

EXHIBIT 9

JILL ALTMAN, individually)
and on behalf of a class,)
)
Plaintiff,)
) CIVIL ACTION FILE NO.
vs.) 1:15-cv-024510-SCJ-CMS
)
WHITE HOUSE BLACK MARKET,)
INC., and DOES 1 - 10,)
)
Defendants.)

Atlanta, Georgia

Tuesday, April 18, 2017

Reported by: Robin K. Ferrill, CCR-B-1936, RPR
Job No: 121777

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 April 18, 2017</p> <p>6 9:00 a.m.</p> <p>7</p> <p>8</p> <p>9 Deposition of Jill Altman, held at the</p> <p>10 office of King & Spalding, 1180 Peachtree Street,</p> <p>11 NE, Atlanta, Georgia, before Robin K. Ferrill, a</p> <p>12 Registered Professional Reporter and Notary</p> <p>13 Public of the State of Georgia.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1</p> <p>2 APPEARANCES:</p> <p>3</p> <p>4 Spencer Fane</p> <p>5 Attorneys for Plaintiff</p> <p>6 1000 Walnut Street</p> <p>7 Kansas City, MO 64106</p> <p>8 BY: BRYANT LAMER, Esquire</p> <p>9</p> <p>10</p> <p>11 Skaar & Feagle</p> <p>12 Attorneys for Plaintiff</p> <p>13 2374 Main Street</p> <p>14 Tucker, GA 30084</p> <p>15 BY: CLIFF DORSEN, Esquire</p> <p>16</p> <p>17</p> <p>18 King & Spalding</p> <p>19 Attorneys for Defendant</p> <p>20 1180 Peachtree Street Northeast</p> <p>21 Atlanta, GA 30309</p> <p>22 BY: BARRY GOHEEN, Esquire</p> <p>23</p> <p>24 ALSO PRESENT:</p> <p>25 L. Susan Faw, Chico's Fas, Inc.</p>
<p style="text-align: right;">Page 4</p> <p>1</p> <p>2 IT IS HEREBY STIPULATED AND AGREED</p> <p>3 by and between the attorneys for the respective</p> <p>4 parties herein, that filing and sealing be and</p> <p>5 the same are hereby waived.</p> <p>6 IT IS FURTHER STIPULATED AND AGREED</p> <p>7 that all objections, except as to the form of the</p> <p>8 question, shall be reserved to the time of the</p> <p>9 trial.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that the within deposition may be sworn to and</p> <p>12 signed before any officer authorized to</p> <p>13 administer and oath, with the same force and</p> <p>14 effect as if signed and sworn to before the</p> <p>15 Court.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 - oOo -</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 ALTMAN</p> <p>2 (Exhibit 1, Amended Notice of</p> <p>3 Deposition, marked for identification.)</p> <p>4 J I L L A L T M A N,</p> <p>5 called as a witness, having been duly sworn</p> <p>6 by a Notary Public, was examined and</p> <p>7 testified as follows:</p> <p>8 EXAMINATION</p> <p>9 BY MR. GOHEEN:</p> <p>10 Q. Good morning, Miss Altman. My name is</p> <p>11 Barry Goheen. We, of course, just met earlier</p> <p>12 today.</p> <p>13 And I want to go ahead and mark for</p> <p>14 record purposes our Amended Notice of Deposition.</p> <p>15 And we will mark that just as Exhibit 1 and</p> <p>16 provide that to you.</p> <p>17 And I will just state for the record</p> <p>18 that this is the deposition of Jill Altman taken</p> <p>19 in the case of Altman versus White House Black</p> <p>20 Market, Civil Action Number 13-CV-02451, pending</p> <p>21 in the United States District Court for the</p> <p>22 Northern District of Georgia.</p> <p>23 What is your full name?</p> <p>24 A. Jill Ivy Oster Altman.</p> <p>25 Q. Have you ever been deposed before</p>

1 ALTMAN

2 today?

3 A. No.

4 Q. My guess is you have been kind of
5 given the ground rules, but I will go ahead and
6 state them just so we are clear.

7 And you understand your testimony is
8 under oath, right?

9 A. Uh-huh.

10 Q. Yes?

11 A. Yes.

12 Q. Please. That was probably another
13 thing you may have been told. If you could say
14 yes or no or whatever else you need to say, but
15 no nonverbal answers would be appreciated so we
16 have an accurate transcript.

17 Is that okay?

18 A. Yes.

19 Q. Thank you.

20 If you don't understand a question,
21 please ask me to rephrase it or to restate it or
22 ask me to clarify anything that you feel is
23 confusing or unclear about my question and I will
24 be happy to do that. Okay?

25 And we will try not to talk over each

1 ALTMAN

2 other as well. I will tell you on the front end
3 that that's something I will probably be guilty
4 of, so I will try to -- try to hold down on that,
5 but if you will make the same effort on your end,
6 I will appreciate it.

7 Did you meet with your counsel to
8 prepare for your deposition?

9 A. Yes.

10 Q. How many times? Other than this
11 morning.

12 A. Several.

13 Q. Okay. Did those take place over the
14 telephone?

15 A. Yes.

16 Q. So you did not have -- again excluding
17 whatever meeting you had this morning prior to
18 this deposition, did you have any in-person
19 preparation meetings?

20 A. No.

21 Q. Did you discuss your deposition with
22 Mr. Wexler after he withdrew as your counsel in
23 this case?

24 A. Only the date that it was here in
25 Atlanta. But otherwise, no.

1 ALTMAN

2 Q. Are you on any medication or taking
3 any medicine that would affect your ability to
4 give truthful answers to my questions today?

5 A. No.

6 Q. Where were you born?

7 A. Birmingham, Alabama.

8 Q. Is that where you grew up?

9 A. Yes.

10 Q. And you graduated high school in
11 Birmingham?

12 A. Yes.

13 Q. What high school?

14 A. Mountain Brook.

15 Q. Good part of town.

16 A. Yes.

17 Q. Where did you go to college?

18 A. University of Texas at Austin.

19 Q. What took you to Austin from
20 Birmingham?

21 A. I was looking at colleges all over the
22 country and went to visit. I loved Austin. I
23 loved the campus. I knew a couple people there.
24 And that's what brought me to Austin.

25 Q. So the critical question: Are you a

1 ALTMAN

2 Bama or UT?

3 A. Both.

4 Q. Wow.

5 A. When they played each other, I rooted
6 for Texas.

7 Q. Now when was that?

8 A. Ten years ago.

9 Q. Where was that game played? Was that
10 in --

11 A. Out in California.

12 Q. Oh, it was a bowl game, wasn't it?

13 MR. LAMER: It was the Rose Bowl.

14 A. It was the Rose Bowl.

15 Q. (By Mr. Goheen) Is that right?

16 A. Yes. Yes. It was eight years ago.
17 It just showed up in my Facebook feed, so sorry.
18 I want to be truthful.

19 Q. Saban was coaching then or was that
20 before he?

21 A. I don't remember.

22 Q. It was Mac Brown?

23 A. It was Mack brown.

24 Q. All right. So what year did you
25 graduate? If you said that, I apologize.

<p style="text-align: right;">Page 10</p> <p>1 ALTMAN</p> <p>2 A. College or high school?</p> <p>3 Q. College.</p> <p>4 A. 1999.</p> <p>5 Q. What was your degree in?</p> <p>6 A. Advertising.</p> <p>7 Q. Have you obtained any other degrees</p> <p>8 since college?</p> <p>9 A. No.</p> <p>10 Q. Where are you currently employed?</p> <p>11 A. Abbott.</p> <p>12 Q. And Abbott Laboratories?</p> <p>13 A. That is their official name. We were</p> <p>14 recently acquired by them. I had been working</p> <p>15 for St. Jude Medical for 10 years. So in my</p> <p>16 brand training, they told me that they go by</p> <p>17 Abbott.</p> <p>18 Q. So --</p> <p>19 A. Sorry.</p> <p>20 Q. It's okay. Clearly you have been</p> <p>21 trained well.</p> <p>22 So the acquisition occurred within the</p> <p>23 last few months or --</p> <p>24 A. January 4th of this year.</p> <p>25 Q. At the time of the acquisition,</p>	<p style="text-align: right;">Page 11</p> <p>1 ALTMAN</p> <p>2 meaning when you were still employed or</p> <p>3 considered an employee of St. Jude Medical, what</p> <p>4 was your job title?</p> <p>5 A. Senior Director of Global Marketing</p> <p>6 Communications and Public Relations.</p> <p>7 Q. And by the way, this is not to be</p> <p>8 confused with St. Jude Children's Hospital,</p> <p>9 right, of Memphis?</p> <p>10 A. Correct.</p> <p>11 Q. There's no real relationship between</p> <p>12 the two?</p> <p>13 A. Correct.</p> <p>14 Q. How long have you worked at St. Jude</p> <p>15 Medical, now Abbott?</p> <p>16 A. More than 10 years.</p> <p>17 Q. So it's been more than 10 years. Now,</p> <p>18 with post-January 4th, 2017, have your job</p> <p>19 responsibilities or title changed?</p> <p>20 A. Yes. About two weeks ago we went</p> <p>21 through a restructuring, so my responsibilities</p> <p>22 have changed as well as my title. I'm now Global</p> <p>23 Director of Marketing Services. And I say that</p> <p>24 slightly with a question mark because it's still</p> <p>25 not quite final from a title standpoint.</p>
<p style="text-align: right;">Page 12</p> <p>1 ALTMAN</p> <p>2 My responsibilities now include our</p> <p>3 global digital team, e-learning team, global</p> <p>4 congresses and events, global marketing</p> <p>5 communication, and our global customer and</p> <p>6 employee training logistics.</p> <p>7 Q. Sounds like a lot of responsibilities.</p> <p>8 A. Oh, yes.</p> <p>9 Q. How were they different than</p> <p>10 pre-Abbott?</p> <p>11 A. The responsibilities themselves are</p> <p>12 not substantively different. However, since</p> <p>13 we're integrating with Abbott, part of my job is</p> <p>14 to help the integration process. And so I don't</p> <p>15 quite know what the responsibilities or the</p> <p>16 department will look like nine months from now</p> <p>17 because we're just starting the true integration</p> <p>18 process.</p> <p>19 Q. So prior to two weeks ago when your</p> <p>20 job title and responsibilities seemed to change</p> <p>21 or expand, as you described, were your</p> <p>22 responsibilities up until two weeks ago the same</p> <p>23 as they had been under your St. Jude Medical</p> <p>24 title of Senior Director of Global Marketing</p> <p>25 Communications?</p>	<p style="text-align: right;">Page 13</p> <p>1 ALTMAN</p> <p>2 A. I had those responsibilities for eight</p> <p>3 months prior to that. I mean, my role has</p> <p>4 changed at St. Jude Medical over 10 years. I</p> <p>5 have probably had 10 different roles.</p> <p>6 Q. Could you briefly describe those. You</p> <p>7 don't have to go into book, chapter and verse,</p> <p>8 but could you maybe outline for the 10 years when</p> <p>9 you were at St. Jude Medical before Abbott just</p> <p>10 your various job responsibilities and roles.</p> <p>11 A. Sure. So I started in e-marketing.</p> <p>12 Then I took a role to lead our United States</p> <p>13 marketing communications. Then I took a role to</p> <p>14 lead our global brand management. Then I took a</p> <p>15 role to lead our global marketing communications.</p> <p>16 Then they added on responsibilities to</p> <p>17 manage the global digital team. Then they added</p> <p>18 responsibilities to lead our global convention</p> <p>19 and congress team. Then they changed my role to</p> <p>20 lead our corporate communications, so they added</p> <p>21 the creative services management, took away the</p> <p>22 marketing communications.</p> <p>23 Then they gave me back marketing</p> <p>24 communications, took away digital and creative</p> <p>25 and gave me PR and then that led us to April.</p>

1 ALTMAN

2 Q. Okay. In May of 2015, which as you
3 know is the time frame that led to the events of
4 this lawsuit, right?

5 A. Uh-huh.

6 Q. Yes?

7 A. Yes.

8 Q. What was your title and job
9 responsibilities?

10 A. To the best of my recollection, it was
11 Senior Director Global Marketing Communications.

12 Q. Prior to joining St. Jude Medical,
13 where did you work?

14 A. I worked at an ad agency in Austin for
15 seven years. I worked at an ad agency in Atlanta
16 prior to that for two years.

17 Q. So let's break those out. What was
18 the ad agency in Austin?

19 A. When I joined the company, it was
20 called BRSG. And then they changed their name to
21 HC&B. Now they go by HCB Health.

22 Q. And that was an ad agency, you say?

23 A. Yes.

24 Q. What was the HCB Health? I take it,
25 it focused on advertising in the healthcare

1 ALTMAN

2 industry?

3 A. Ultimately, yes.

4 Q. But not exclusively or at least at
5 some point in time?

6 A. When I joined, they were a general ad
7 agency. That's BRSG. When the partners changed
8 and they started to win different accounts, they
9 found that they were winning more accounts that
10 focused on healthcare.

11 At which point they focused their new
12 business efforts on healthcare and really grew
13 that business and let other accounts lapse, or
14 contracts lapse with non-healthcare accounts.

15 Q. So what did you do at HCG when you
16 were there?

17 A. Account management.

18 Q. And what did that entail, at least at
19 that company?

20 A. That was the primary liaison between
21 the client and -- or the marketing department at
22 the client and the rest of the agency. I was
23 responsible for campaign planning, strategy,
24 overseeing creative development, managing
25 budgets, managing teams.

1 ALTMAN

2 Q. How many accounts did you manage at
3 any given time at HCG?

4 A. Probably somewhere between three and
5 five.

6 Q. Were there other -- well, to the best
7 of your recollection how many other account
8 managers were there at this time frame at HCG?

9 A. Half a dozen or so.

10 Q. What was the ad agency in Atlanta?

11 A. Cole Henderson Drake.

12 Q. Are they still around?

13 A. I don't think so.

14 Q. They had been around a while, hadn't
15 they, when you joined?

16 A. When I joined, I think they had been
17 around about 30 years.

18 Q. Where was the office?

19 A. It was down off of Marietta.

20 Q. Close to downtown?

21 A. Uh-huh.

22 Q. And is that a job you took straight
23 out of college?

24 A. Yes.

25 Q. How did that opportunity come about?

1 ALTMAN

2 A. I knew I wanted to move to Atlanta. I
3 got the Book of Lists from the Chamber of
4 Commerce. I sent letters to the top 25 ad
5 agencies. I came here to interview. And I
6 interviewed with, I don't recall, maybe four or
7 six of them and they were the ones that hired me.

8 Q. When you say the top 25 ad agencies,
9 you mean in the country?

10 A. No, in Atlanta.

11 Q. There are 25 ad agencies in Atlanta?

12 A. Yes, absolutely.

13 Q. Wow, in 1999?

14 A. Absolutely. You can have two people
15 and call yourself an ad agency.

16 Q. I guess you could do the same thing
17 with a law firm, can't you? Good point.

18 How large was the company when you
19 joined them?

20 A. I don't know from a revenue
21 standpoint, but there were probably around 25 or
22 30 people there.

23 Q. When you joined, what was your entry
24 position?

25 A. Account coordinator.

<p style="text-align: right;">Page 18</p> <p>1 ALTMAN</p> <p>2 Q. How did that differ from the account</p> <p>3 manager role that you had at HCG later?</p> <p>4 A. It was an entry level position at Cole</p> <p>5 Henderson Drake with a much more limited scope of</p> <p>6 responsibilities and much more oversight from my</p> <p>7 manager.</p> <p>8 By the time I went to HCG and was a</p> <p>9 manager and then ultimately an account supervisor</p> <p>10 and account director, I was running the</p> <p>11 department and had the responsibility for the</p> <p>12 relationship with the client.</p> <p>13 Q. And that's HCG you are talking about,</p> <p>14 right?</p> <p>15 A. Correct.</p> <p>16 Q. You never had that responsibility at</p> <p>17 Cole?</p> <p>18 A. Not as the sole or primary account</p> <p>19 contact.</p> <p>20 Q. Okay. And you were with Cole</p> <p>21 Henderson Drake for two years?</p> <p>22 A. Yes.</p> <p>23 Q. Where did you live in Atlanta during</p> <p>24 that time?</p> <p>25 A. I lived off of North Druid Hills and</p>	<p style="text-align: right;">Page 19</p> <p>1 ALTMAN</p> <p>2 Briarcliff.</p> <p>3 Q. In an apartment?</p> <p>4 A. Yes, in a Post apartment building.</p> <p>5 Q. Post what?</p> <p>6 A. Post Oak, I think.</p> <p>7 Q. You said you wanted to come to</p> <p>8 Atlanta. Why?</p> <p>9 A. Because it was close to Birmingham</p> <p>10 where I grew up. I had friends from high school</p> <p>11 that were moving back here that had gone to</p> <p>12 college all over the country, so it was an</p> <p>13 opportunity to reconnect with them and their</p> <p>14 friends that they had met in college that were</p> <p>15 also moving back here.</p> <p>16 It was a warm city. I didn't want to</p> <p>17 live in Chicago or New York and there was</p> <p>18 opportunity from a career standpoint.</p> <p>19 Q. It was a great time to be in Atlanta,</p> <p>20 wasn't it?</p> <p>21 A. Uh-huh.</p> <p>22 Q. I moved in the fall of '96 myself from</p> <p>23 another town. So, yes, that was a -- I</p> <p>24 understand what you are saying.</p> <p>25 Were there any other -- well, let me</p>
<p style="text-align: right;">Page 20</p> <p>1 ALTMAN</p> <p>2 ask you this. Back to your apartment, did you</p> <p>3 room with anybody when you came here?</p> <p>4 A. I did.</p> <p>5 Q. Who was that?</p> <p>6 A. Her name is Jill Lichter Bomchel,</p> <p>7 B-o-m-c-h-e-l.</p> <p>8 Q. And I take it you knew her prior to</p> <p>9 rooming with her?</p> <p>10 A. She and I grew up together in</p> <p>11 Birmingham.</p> <p>12 Q. Were there any other entry level</p> <p>13 positions or entry level people that came into</p> <p>14 Cole Henderson Drake at the same time you did?</p> <p>15 A. I don't recall.</p> <p>16 Q. What led you to the HCG opportunity</p> <p>17 then?</p> <p>18 A. In 2001, you may recall we went</p> <p>19 through a recession. And then after September</p> <p>20 11th, a lot of advertisers cut their budget. At</p> <p>21 that time, Cole Henderson Drake went through a</p> <p>22 couple different rounds of layoffs. I was laid</p> <p>23 off.</p> <p>24 I was looking for opportunities here</p> <p>25 in Atlanta and was not finding any. So I</p>	<p style="text-align: right;">Page 21</p> <p>1 ALTMAN</p> <p>2 expanded my search, went and looked in Austin at</p> <p>3 that point and did the same thing I did when I</p> <p>4 moved to Atlanta. I got the Book of Lists. I</p> <p>5 sent letters to agencies with my resume. I went</p> <p>6 out there to interview, had several interviews</p> <p>7 and they hired me.</p> <p>8 Q. Now, you have had no legal training;</p> <p>9 is that right?</p> <p>10 A. That's correct.</p> <p>11 Q. Now, have any of the job duties you</p> <p>12 have ever had whether it's with St. Jude</p> <p>13 Medical/Abbott or the other companies required</p> <p>14 you to protect any third person's personal</p> <p>15 information?</p> <p>16 A. I'm not sure that I understand that</p> <p>17 question.</p> <p>18 Q. Have you had any privacy</p> <p>19 responsibilities at any of your jobs that you've</p> <p>20 had?</p> <p>21 A. At St. Jude Medical because we manage</p> <p>22 patient information, we all comply with the HIPAA</p> <p>23 regulations. So from that standpoint, I, as all</p> <p>24 employees, have to be trained and certified on</p> <p>25 those regulations.</p>

1 ALTMAN

2 Q. And was that something you were
3 trained on when you first came to St. Jude
4 Medical?

5 A. I don't remember when they implemented
6 the training.

7 Q. But as you -- if I understood you a
8 moment ago, you said that's kind of standard for
9 all employees at St. Jude Medical, now Abbott?

10 A. Yes.

11 Q. Beyond the HIPAA training, were there
12 any other areas in terms of protecting personal
13 information, whether employees or patients or
14 anything else that you were responsible for?

15 MR. LAMER: Objection. Form,
16 compound.

17 Q (By Mr. Goheen) You can answer.

18 MR. LAMER: If you know the answer, go
19 ahead.

20 A. Yes, I manage a team, so I'm
21 responsible for managing their employee
22 information.

23 Q (By Mr. Goheen) And that's it?

24 A. As part of the public relations team,
25 there are times where I manage corporate

1 ALTMAN

2 information, but that's not personal information.

3 Q. Understood. So you are talking about
4 potentially sensitive business information of
5 clients or customers?

6 A. No. Corporate information, sensitive
7 information about the company.

8 Q. Your company?

9 A. My company.

10 Q. I'm sorry, my mistake. Okay. So I
11 see. So about Abbott?

12 A. Correct.

13 Q. Okay. What sort of procedures, if
14 any, do you follow in managing that or protecting
15 that information, the company information?

16 A. Mostly we work with our attorneys to
17 ensure that when we are discussing communication
18 strategy and my responsibility that they are
19 present if it is a sensitive conversation; so,
20 therefore, it could be a privileged conversation.

21 Q. During the time you had been with St.
22 Jude Medical now Abbott, do you have any
23 knowledge as to whether the company has had a
24 compromise or a breach of any of its personal
25 information?

1 ALTMAN

2 A. I have no knowledge.

3 Q. Okay. So you currently reside in
4 Austin, Texas, right?

5 A. Correct.

6 Q. What's your current address?

7 A. [REDACTED].

8 Q. Is that a house?

9 A. Yes.

10 Q. How long have you resided there?

11 A. Over two years.

12 Q. Do you reside there alone?

13 A. Nope.

14 Q. Who resides there with you?

15 A. My boyfriend.

16 Q. And who is that?

17 A. Roger Graham.

18 Q. Has he lived with you the entire two
19 years or more that you have been at the [REDACTED]
20 [REDACTED] address?

21 A. Yes.

22 Q. Who owns the house?

23 A. Roger.

24 Q. How long has he owned the house?

25 A. Since we moved in.

1 ALTMAN

2 Q. So you are not a co-owner or anything
3 of the property?

4 A. I'm not.

5 Q. Where did you live before that?

6 A. In a condo. The address is 2412-B
7 Wilson Street.

8 Q. And that's in Austin?

9 A. Correct.

10 Q. Did you live there with anyone?

11 A. No.

12 Q. Was that a condo you bought or rented?

13 A. First I rented it and then I bought it
14 from my landlord.

15 Q. And have you sold it?

16 A. I have not.

17 Q. Is it on the market?

18 A. Nope.

19 Q. Do you rent it out to anyone?

20 A. I do.

21 Q. Have you done that ever since 2015
22 when you moved to the current [REDACTED] place?

23 A. Yes.

24 Q. So since you graduated from college,
25 other than two years in Atlanta, you have lived

ALTMAN

in Austin?

A. Correct.

Q. You lived nowhere other than the Post Oak address when you were in Atlanta?

A. Correct.

Q. Presumably that was under a lease?

A. Correct.

Q. Otherwise you never lived anywhere else in the state of Georgia?

A. Correct.

Q. Do you have any relatives that live in Georgia?

A. I do.

Q. Who?

A. My sister lives here. I have an aunt. I have several cousins that live here. I think that's it.

Q. How many cousins?

A. How far down do you want to go?

Q. Cousins in the sense of the term of, you know, the child of one of your parents' siblings?

A. In that sense, none.

Q. Okay.

ALTMAN

A. In the grander sense of people that I am related to that I care about that have been to weddings and bat mitzvahs and Facebook friends, several.

Q. How often do you visit Atlanta?

A. A couple of times a year.

Q. For those occasions you just mentioned, bat mitzvahs, bar mitzvahs, family types of gatherings?

A. And to spend time without an occasion with my family and friends.

Q. Do your parents still live in Birmingham?

A. My mother does.

Q. Is your father deceased?

A. No. He's alive and well. He lives in Port St. Lucie, Florida.

Q. Other than your sister, do you have any other siblings?

A. I have a half sister through my father who lives in Florida. I have two stepbrothers who both live in Birmingham.

Q. So one, for lack of a better term, true full sibling and that's your sister?

ALTMAN

A. Correct.

Q. Who lives in Atlanta?

A. Correct.

Q. And she's younger?

A. She is.

Q. Does she visit you in Austin?

A. She does.

Q. How often?

A. Every couple of years.

Q. All right. Let's talk a little bit about your claim in this case against White House Black Market. So you understand, I take it, that you have alleged that White House Black Market violated a federal statute abbreviated as FACTA.

Correct?

A. Yes.

Q. Do you know what that abbreviation stands for, FACTA?

A. Not exactly. It's fair trade, but I don't recall everything. And commercial is in there somewhere.

Q. And you understand that FACTA is an amendment to a larger or subsuming a larger federal statute known as the FCRA?

ALTMAN

MR. LAMER: Objection, form.

Objection, calls for a legal conclusion.

Q (By Mr. Goheen) Not really, but you can answer.

A. No.

MR. LAMER: Hold on a second. She knows she can answer unless I instruct her not to answer. Just so you know.

MR. GOHEEN: Okay. Thank you.

Q (By Mr. Goheen) Prior to filing this lawsuit, had you ever heard of the statute called FACTA?

A. I'm not sure that I knew what the name was, but I knew what the regulation was.

Q. How did you become aware of the regulation?

A. My brother-in-law, Shimshon Wexler, is an attorney. I knew that he practiced consumer protection law. And I knew that this was one of the types of laws that he protected consumers against violations from.

Q. How did you know that?

A. Because we talked about it.

Q. Do you know how long he has practiced

1 ALTMAN
2 law in that particular area?
3 A. Not exactly.
4 Q. Do you know how old he is?
5 A. He is 36.
6 Q. Now, it's my understanding he's from
7 New York or the New York/New Jersey area. Is
8 that right?
9 A. That's correct.
10 Q. And moved to Atlanta a few years ago?
11 A. Correct.
12 Q. Going back to your knowledge of the --
13 well, let me try once more.
14 Other than any conversations or
15 communications you had with Mr. Wexler, did you
16 have any other source of knowledge of the statute
17 known as FACTA? Prior to this lawsuit.
18 A. I knew what receipts looked like with
19 all the X's and the last four digits, and so I
20 knew that that was based on a federal regulation.
21 Q. And you knew that other than through
22 Mr. Wexler?
23 A. Yes.
24 Q. What was the source of that knowledge
25 apart from Mr. Wexler?

1 ALTMAN
2 A. Yes.
3 MR. LAMER: Take your time.
4 A. Oh, hang on. Yes, this is it.
5 Q (By Mr. Goheen) And you understand as
6 the top of the document of the first page
7 reflects, it was filed on or about July 8 of
8 2015?
9 A. Yes.
10 Q. Did you review any drafts of the
11 complaint before it was filed on your behalf?
12 A. Yes.
13 Q. How many times?
14 A. I don't recall. Once or twice.
15 Q. Likely not more than twice?
16 MR. LAMER: Objection, calls for
17 speculation.
18 Q (By Mr. Goheen) Is that fair?
19 A. Sure.
20 Q. After the complaint was filed, did you
21 read it?
22 A. I read it before it was filed. I got
23 a final copy of it. I don't recall if I reread
24 it after I received the final copy.
25 Q. When is the last time that you read

1 ALTMAN
2 A. That started happening on receipts
3 well before he and my sister got married.
4 Q. I understand. I'm just trying to
5 understand how you became aware of it.
6 A. Yes.
7 Q. Can you tell me how?
8 A. I don't recall if I saw it on the news
9 or read it in the paper, I mean.
10 Q. So it's public domain then, that sort
11 of thing?
12 A. Thank you, yes.
13 Q. All right, that's fair.
14 Prior to this lawsuit, had you ever
15 filed a lawsuit alleging violations of FACTA?
16 A. No.
17 Q. Let's mark this as Exhibit 2.
18 (Exhibit 2, Introduction and FACTA
19 Background, marked for identification.)
20 Q. (By Mr. Goheen) Let me hand you
21 Exhibit 2. You can look through it.
22 A. Okay.
23 Q. And I will ask you, as I get more
24 water, do you recognize that to be a copy of the
25 complaint you filed in this case?

1 ALTMAN
2 the complaint?
3 A. Last night.
4 Q. Before that?
5 A. Several weeks ago when we were
6 reviewing documents.
7 Q. Why did you authorize the filing of
8 this complaint?
9 A. Because the law was broken.
10 Q. Why did you authorize the filing of
11 this complaint with a proposed class action?
12 A. Because I imagine I'm not the only
13 woman who shops at White House Black Market.
14 Q. Anything else? Any other reason?
15 A. No.
16 Q. As you're aware, the case involves
17 your use of an American Express credit card
18 ending in 1001, correct?
19 A. Correct.
20 Q. Was this your personal AmEx card you
21 used for this transaction?
22 A. Yes.
23 Q. In the last five years, how many
24 personal credit cards have you had and used?
25 A. Two.

ALTMAN

Q. So this AmEx card and one other?

A. Correct.

Q. What's the other?

A. A MasterCard.

Q. Did you use one of those two more than the other?

A. Yes.

Q. Which one?

A. The American Express.

Q. Is it fair to say you would consider the AmEx card your primary personal credit card?

A. I use the American Express on a routine basis when I'm out shopping. I tend to use the MasterCard for recurring bills and household type things. So I don't -- I mean, I guess from a volume standpoint, yes. American Express.

Q. But again based on what I'm hearing, you have -- the credit cards are used for different purposes; is that fair?

A. Unless the merchant doesn't take American Express.

Q. How long have you had the AmEx card ending in 1001?

ALTMAN

A. I don't recall exactly. Maybe five years.

Q. Had you possessed an American Express credit card for personal use prior to obtaining the one ending in 1001?

A. Yes.

Q. When did you first have an American Express credit card?

A. When I was in college, my mother opened a joint account to help establish credit for me. And I have had an American Express for a period of time then. I had an American Express card with my ex-husband. Then that account had closed. And then I got this one.

Q. The AmEx card with your ex-husband, was that -- were you both on that card?

A. Unfortunately, yes.

Q. So I take it as part of your divorce proceeding that card was -- well, why don't you tell me?

A. Yes. Yes, as part of my divorce proceeding that card was cut.

Q. And then did you acquire this card, the one ending in 1001, subsequent to your

ALTMAN

divorce?

A. Correct.

Q. Was it soon after the divorce became final?

A. Within a couple of years.

Q. Did you have an AmEx card in that two-year period, but prior to this 1001 card?

A. I've had a corporate American Express card since I joined St. Jude Medical in 2007.

Q. But not a personal AmEx card between -- was it 2010 was your divorce?

A. Correct.

Q. And roughly you're maybe estimating five years ago, 2012, for this card?

A. Correct.

Q. So did you use the corporate credit card for personal use during that two-year period?

A. No, I used my MasterCard.

Q. Okay. Was that the only credit card you had during that two year time frame?

A. I believe so.

Q. Back to your -- the breakdown of the use of the card. So for the American Express

ALTMAN

card, do you use that for purchases from retailers?

A. Yes.

Q. Almost exclusively?

A. Primarily.

Q. Primarily, but not exclusively?

A. Correct.

Q. What about restaurants or on-line shopping?

A. Yes to both of those.

Q. That would be the one you use primarily, the AmEx?

A. Yes.

Q. Do you own or use any debit cards?

A. I have debit cards. I typically do not use them.

Q. What brand are the debit cards?

A. I'm not sure.

Q. But you say you don't really use them?

A. Correct.

Q. Do you recall the last time you used a debit card?

A. Not exactly.

Q. Do you recall when you acquired the

ALTMAN

debit cards?

A. I'm sure whenever I opened my checking accounts.

Q. So it just kind of came along with the opening of the account?

A. Correct.

Q. Do you know how many you have?

A. I have at least two because I have two different checking accounts. Possibly a third that I just don't use.

Q. Why do you have two different checking accounts?

A. I have a personal checking account. I have a checking account for my condo so that I keep those funds separate. And then I have a third checking account for the condo association that I manage, so those funds are also separate.

Q. The AmEx corporate card, did you -- were you issued that upon beginning employment at St. Jude Medical?

A. Yes.

Q. Is that, to your knowledge, sort of standard procedure for new employees at least in management-type positions?

ALTMAN

A. Yes.

Q. Did you have corporate credit cards at your -- either of your two prior employers?

A. I don't recall.

Q. Have you ever had a corporate credit card other than AmEx?

A. At St. Jude Medical, I've only ever had an American Express. I don't recall the other two companies.

Q. Does St. Jude Medical now Abbott have rules governing the use of corporate credit cards?

A. Yes.

Q. What are those?

A. To the best of my recollection, it's to use it for corporate expenses. To process your expense reports within a timely manner. I think within the quarter that the expenses occur.

And then there are certain rules not related to the credit card necessarily, but related to our code of ethics about what you spend your money on or what daily caps are and those types of things.

Q. Did you use it for this trip?

ALTMAN

A. No.

Q. Are you staying with your sister on this trip?

A. Nope.

Q. Stay in a hotel?

A. Yes.

Q. Are you seeing your sister on this trip?

A. Nope.

Q. For any corporate credit card that you've had, I guess, over the time you've been with St. Jude Medical, have you ever allowed any other person to make a purchase on your corporate card?

A. Yes. For corporate expenses, I've had some team members that don't have corporate cards and when we have bought certain forms of advertising, for example, social media, we have used my card to purchase the advertising. It was somebody on my team who used it.

Q. Have you ever allowed other persons to make purchases on your personal AmEx credit card?

A. No.

Q. Lesson learned? From your prior --

ALTMAN

A. There's never been a reason.

Q. Just a policy you follow. Just something that you just don't allow.

A. Yes.

Q. When a store allows payment at the point of sale by credit card, do you ever use cash?

A. Yes.

Q. How often?

A. I'm not sure of a percentage on a regular basis.

Q. Is it depending on the amount that's being charged?

A. The amount that's being charged. The amount I have in my wallet at the time. If I feel like the merchandise is something I may end up returning or also if it's something that I may need some kind of warranty on.

Q. Why would you be more likely to use cash if it were an item you might return later?

MR. LAMER: Objection, mischaracterizes her testimony. You may want to clarify.

A. Yes, that's not what I said.

1 ALTMAN

2 Sometimes I found that it's easier if I'm
3 returning something to have it -- to pay with a
4 credit card and then to have it put back on a
5 credit card versus outlying a lot of cash and
6 then getting the cash back.

7 Q. All right. So I got it backwards. So
8 if it's something you might return, you are more
9 likely to use a credit card?

10 A. Yes.

11 Q. All right. So I did get it backwards.

12 Since the events that gave rise to
13 this lawsuit in May 2015, you paid for items in
14 cash more than credit as opposed to before May of
15 2015?

16 A. Not necessarily.

17 Q. When you make purchases using your
18 credit cards, either one of them, either one of
19 your personal credit cards, do you typically ask
20 for a copy of the receipt?

21 A. Sometimes.

22 Q. And is that based on any guiding rule
23 of thumb that you employ?

24 A. If I am likely to return the item, I
25 ask for a receipt. If I am buying a pack of

1 ALTMAN

2 chewing gum at the airport, I typically don't ask
3 for a receipt.

4 Q. In your experience, how often do you
5 return items that you purchased?

6 A. Occasionally.

7 Q. Do you ever pay for items at the point
8 of sale by using a check, a personal check?

9 A. Rarely.

10 Q. But you have done it?

11 A. Ever in my lifetime, yes, there was a
12 point that that was how most people paid for
13 things.

14 Q. But not recently?

15 A. Correct.

16 Q. What do you do with the receipts that
17 you are given by retailers or other merchants
18 when you make purchases by credit cards?

19 A. I either have them in the bag of the
20 merchandise that I buy or I put it in my wallet
21 in my purse.

22 Q. Do you maintain receipts for a certain
23 period of time?

24 A. If it is an item that I think I may
25 return, then I will save it. If it is an item

1 ALTMAN

2 like groceries that I just am going to put away
3 and use, then I check the receipt when I get home
4 and throw it away.

5 Q. For those that you do save, whether
6 it's on the possibility of return or for any
7 other reason, do you store them together in a
8 certain place?

9 A. No.

10 Q. To your knowledge, have any of your
11 credit card receipts ever been stolen or turned
12 up missing?

13 A. No.

14 Q. Have you ever reported any stolen or
15 missing receipts to the police?

16 A. No.

17 Q. Let's look at your complaint. In
18 paragraph 20, it's not paginated, but I think
19 it's on -- looks like it's on page 5 according to
20 the top of the header there.

21 Do you see that? Paragraph 20?

22 A. Uh-huh.

23 Q. So you allege: On May 16, 2015,
24 plaintiff used her American Express credit card
25 to make a purchase at defendant's location at

1 ALTMAN

2 Phipps Plaza in Atlanta, Georgia.

3 Correct?

4 A. Correct.

5 Q. So prior to this transaction, based on
6 what you said a few moments ago, you had been
7 using this particular American Express for
8 roughly three years?

9 A. Correct.

10 Q. Prior to this May 2015 transaction,
11 how often had you shopped at any White House
12 Black Market store anywhere in the United States?

13 A. Occasionally.

14 Q. More than five times?

15 A. I can't recall.

16 Q. More than 10?

17 A. I don't think so.

18 Q. Do you recall the first time you ever
19 shopped at a White House Black Market store?

20 A. No, but I imagine it was a lovely
21 experience.

22 Q. Have you ever made on-line purchases
23 from White House Black Market?

24 A. I don't think so.

25 Q. But it's possible you have shopped in

1 ALTMAN

2 the sense of looked possibly to purchase on-line
3 whether or not you actually made a purchase?

4 A. Possibly.

5 Q. So with this particular transaction in
6 May of 2015, do you recall how long you were in
7 the store?

8 A. Not precisely.

9 Q. But what do you recall, if anything,
10 about the sales associate who rang up the
11 purchase?

12 A. Nothing specific.

13 Q. Do you recall anything about the
14 process that produced the credit card receipt?

15 A. Nothing out of the ordinary.

16 Q. When you say "the ordinary," what do
17 you mean?

18 A. I don't recall that the machine broke,
19 that there was -- it ran out of paper or
20 something along those lines.

21 Q. Do you recall having to wait in line
22 to check out?

23 A. I don't recall.

24 Q. Did you use a chip or swipe the card,
25 your credit card?

1 ALTMAN

2 A. Swipe. It was before the chip.

3 Q. Did you swipe it or did the
4 salesperson swipe it?

5 A. I don't recall.

6 Q. So you were living in Austin in May
7 2015, right?

8 A. Correct.

9 Q. So what brought you to Atlanta in May
10 of 2015?

11 A. My nephew's second birthday.

12 Q. Your sister's child?

13 A. That is correct.

14 Q. Any other family members attend that
15 birthday celebration?

16 A. My mother was here. My ex-stepmother
17 was here. And then cousins.

18 Q. Did you stay with your sister and
19 Mr. Wexler on this trip?

20 A. I did.

21 Q. Where were they living by this time,
22 were they in a house?

23 A. They were in a rental house.

24 Q. Do you recall what part of town?

25 A. Toco Hills.

1 ALTMAN

2 Q. Prior to this visit on May 8th, how
3 often had you -- well, I take it you had been to
4 Phipps Plaza?

5 A. Yes, but the visit wasn't on May 8th.
6 The visit was on May 16th.

7 Q. I'm sorry. I think July 8 was the
8 complaint. I mixed them up, I'm sorry.

9 So May 16th was the purchase?

10 A. Yes.

11 Q. So you had been to Phipps Plaza at
12 some point before this, correct?

13 A. Absolutely.

14 Q. Having lived in Atlanta for two years?

15 A. Yes.

16 Q. I take it you had been there multiple
17 times?

18 A. Multiple times.

19 Q. Since you had left Atlanta in '01, I
20 guess you said it was?

21 A. Yes.

22 Q. Late '01, it sounds like, had you been
23 to Phipps Plaza at all prior to this May visit?

24 A. Yes.

25 Q. Can you estimate how many times?

1 ALTMAN

2 A. Half a dozen.

3 Q. Were those all on personal visits to
4 see your sister or other family members?

5 A. Myself in Atlanta a couple of times
6 for work. So it's possible that I had gone to
7 Phipps while I was here for work.

8 Q. Actually I was getting ready to ask
9 that question. Have you ever been required to
10 come to Atlanta --

11 A. Yes.

12 Q. And what were those work visits, what
13 did they entail?

14 A. When I -- when I was with HCB, I think
15 we did some focus groups here. Since I have been
16 with St. Jude, there have been conventions that
17 have been here, medical conventions. We have had
18 a couple sales meetings that we have hosted in
19 Atlanta as well.

20 Q. Have you been to Phipps Plaza since
21 May 16th --

22 A. Yes.

23 Q. -- 2015? How many times?

24 A. Maybe once.

25 Q. Do you recall when that was?

1 ALTMAN

2 A. Maybe last April. I was back in town,
3 so ...

4 Q. Do you recall the purpose of that
5 visit?

6 A. The purpose of all of the visits was
7 to visit a store at the time that was called
8 Intimacy. I think they have since changed their
9 name.

10 Q. And there is or was an Intimacy store
11 in Phipps Plaza?

12 A. Yes.

13 Q. Did you go to any store other than
14 that one last April?

15 A. I don't recall.

16 Q. Did you go to White House Black
17 Market?

18 A. I don't think so.

19 Q. Back to May 16 of 2015, did anyone
20 accompany you on the trip to the mall?

21 A. No.

22 Q. Did you shop or at least visit other
23 stores in Phipps that day?

24 A. Yes.

25 Q. Did you make other purchases at other

1 ALTMAN

2 stores?

3 A. I believe so, yes.

4 Q. If I asked this before, I apologize,
5 but I will ask: Have you ever visited this
6 particular White House Black Market location
7 prior to May 16, 2015?

8 A. I don't recall.

9 Q. Do you recall what day of the week it
10 was?

11 A. I think it was a Saturday.

12 Q. Why did you go in the first place?
13 Just to, you know, shopping excursion just to get
14 out or do you recall the reason you went, if any?

15 A. So part of it was to go shopping
16 specifically at Intimacy. Part of it was I was
17 in a house with a two-year-old, two mothers, my
18 sister and my brother-in-law.

19 Q. Say no more.

20 A. Thank you.

21 Q. I will note your counsel is also
22 grinning at that one.

23 A. Yes.

24 MR. LAMER: I have many kids and
25 relatives.

1 ALTMAN

2 Q (By Mr. Goheen) I guess out of
3 curiosity, how large was the house the Wexlers
4 were renting in May of 2015 that you were staying
5 at?

6 A. Three bedrooms, I think.

7 Q. So not necessarily a place where you
8 could go hide within the house?

9 A. No.

10 Q. Is there a reason -- well, what
11 reason, if any, did you visit this particular
12 White House Black Market store on this particular
13 day?

14 A. The intention of going to the mall was
15 to visit Intimacy. If you -- I presume you have
16 never shopped at Intimacy.

17 Q. You presume correctly.

18 A. Often you have to wait and you sign up
19 and they tell you how long it will be. There was
20 a wait that day and so I went window shopping.
21 And that's how I landed in White House Black
22 Market.

23 Q. What was the proximity of the two
24 stores, do you remember?

25 A. I don't exactly recall. Intimacy is

1 ALTMAN

2 on the third floor, so I'm not sure -- I don't
3 remember where White House Black Market is. But
4 Intimacy is smack dab in the middle of the mall,
5 so ...

6 Q. Okay. Have you ever visited any other
7 White House Black Market stores in the state of
8 Georgia, other than the Phipps Plaza location?

9 A. I don't think so. Is there one at
10 Lenox?

11 Q. I should ask my daughter. She went
12 there shopping yesterday. Well, at the mall,
13 that is. So says my credit card.

14 I take it you went to Lenox quite
15 frequently as well as an Atlantan.

16 A. When I lived here, it was easy to go
17 to both.

18 Q. That is true.

19 (Exhibit 3, Store receipt, marked for
20 identification.)

21 Q (By Mr. Goheen) We will mark this as
22 Exhibit 3.

23 Miss Altman, do you recognize this
24 document as being a copy of the receipt you
25 received from White House Black Market on May 16,

1 ALTMAN
2 2015?
3 A. Yes.
4 Q. Incidentally, I'll just, for the
5 record, I'll note that it's stamped, Bates
6 stamped, and I'm referring to that language on
7 the bottom right-hand corner as Altman_0001. Do
8 you believe this to be a true and correct copy of
9 that receipt?
10 A. Yes.
11 Q. It would appear that you purchased two
12 items from White House Black Market that day; is
13 that correct?
14 A. Correct.
15 Q. The items purchased reflect a discount
16 of five percent for something called H -- I'm
17 sorry, WHBM rewards, correct?
18 A. Correct.
19 Q. Is that a loyalty program?
20 A. I believe so.
21 Q. Do you recall when you enrolled in the
22 WHBM rewards program?
23 A. No.
24 Q. Do you recall enrolling in the WHBM
25 rewards program?

1 ALTMAN
2 A. I typically unsubscribe from junk
3 e-mail.
4 Q. Okay. You don't consider that -- you
5 would consider that to be junk e-mail?
6 A. I do.
7 Q. Now, near the bottom of the receipt,
8 you see under your name, which is in all capital
9 letters about three quarters of the way down --
10 A. Yep.
11 Q. -- it states you are a silver member
12 and are \$733.25 from gold status.
13 A. Yes.
14 Q. Do you have an understanding of the
15 various status levels within WHBM rewards
16 membership?
17 A. I do not.
18 Q. Do you have an understanding of what
19 dollar amount of purchases would be necessary for
20 you to achieve gold status?
21 A. I do not.
22 Q. Have you ever achieved gold status for
23 WHBM rewards?
24 A. Not to my knowledge.
25 Q. You had made -- well, had you made

1 ALTMAN
2 A. Not specifically.
3 Q. Did you enroll in that program on this
4 particular day?
5 A. I don't think so.
6 Q. Meaning, you know, sometimes you will
7 be asked to enroll in a program and you get an
8 immediate discount. You understand what I'm
9 talking about, I suspect.
10 A. I do.
11 Q. But you are not sure if that happened
12 on this visit or not?
13 A. I don't think so.
14 Q. Other than the five percent -- well,
15 let me back up.
16 Is part of the program that you get an
17 automatic five percent discount on any purchases
18 at a White House Black Market location?
19 A. Apparently so.
20 Q. I don't -- I'm just asking.
21 Are you aware of any other benefits
22 for being a WHBM rewards member?
23 A. I get direct mail postcards.
24 Q. Anything else like e-mail flash sales
25 or Internet on-line, anything like that?

1 ALTMAN
2 prior purchases in 2015 at White House Black
3 Market stores?
4 A. Possibly.
5 Q. The total net -- well, the total
6 payment of this reflected in the middle of this
7 receipt is \$136.25, correct?
8 A. Correct.
9 Q. So you're \$733.25 away from gold
10 status, correct?
11 A. Correct.
12 Q. So if I do that math right, the
13 payment plus the dollars away is \$869.50,
14 correct?
15 A. I'll take your word for it.
16 Q. Do you have any reason to disagree
17 with my calculation?
18 A. I do not.
19 Q. Which would be roughly \$130 and change
20 away from a thousand dollars, right?
21 A. Yes.
22 Q. So then you believe that would be gold
23 status, a thousand dollars of purchases in a
24 year?
25 A. According to this logic, yes.

1 ALTMAN

2 Q. Are you a -- well, as we sit here
3 today, are you still a member of WHBM rewards?

4 A. I presume so.

5 Q. Why do you presume so?

6 A. I have not actively unenrolled from
7 it.

8 Q. Are you a member of loyalty programs
9 for other clothing retailers?

10 A. I don't think so.

11 Q. Could you estimate how many purchases
12 you had made in any White House Black Market
13 store using any credit or debit card prior to
14 this May 16, 2015 transaction?

15 A. A handful of times, so I'll quantify
16 that for you, maybe somewhere between two and
17 four.

18 Q. Okay. For any of those prior
19 purchases, did you look to determine whether the
20 receipt you received for those purchases
21 displayed more than five digits of your credit
22 card or the expiration date of your credit card?

23 A. Yes.

24 Q. And were they compliant, to the best
25 of your recollection?

1 ALTMAN

2 A. To the best of my recollection, yes.

3 Q. So then you're not asserting any claim
4 against White House Black Market for any
5 transactions other than this one of May 16, 2015;
6 is that right?

7 A. Yes.

8 Q. So stated a little differently, as far
9 as you are aware, based on your prior purchases,
10 White House Black Market's receipts prior to May
11 16th, prior to -- of your prior purchases
12 preceding May 2015 complied with FACTA?

13 MR. LAMER: Objection. Compound.

14 Objection. Calls for a legal conclusion.

15 Go ahead.

16 A. I'm sorry. Will you restate the
17 question.

18 Q (By Mr. Goheen) Sure. Is it fair to
19 say that based on your prior purchases, White
20 House Black Market's receipts that you received
21 prior to May of 2015 were in compliance with the
22 FACTA statute?

23 MR. LAMER: Objection. Calls for a
24 legal conclusion.

25 Go ahead.

1 ALTMAN

2 A. The receipts that I received prior to
3 this one were in compliance with the regulation.

4 Q. Let's look at paragraph 21 of the
5 complaint. It's also on page 5.

6 That paragraph states: At the
7 completion of her purchase, plaintiff was given a
8 computer-generated cash register receipt that
9 published more than the last five digits of
10 plaintiff's credit card number. In fact, the
11 customer copy published the first six and the
12 last four digits of plaintiff's credit card, a
13 total of 10 digits of the credit card.

14 Is that correct?

15 A. Correct.

16 Q. So let me isolate that and unpack that
17 for just a minute. So let's go back to
18 paragraph 7 of the complaint on page 2. It's at
19 the bottom of the page.

20 So your allegation in paragraph 7
21 states that: The operative provision of FACTA
22 codified at 15 USC Section 1681 C(G), provides
23 that, and I quote, no person that accepts credit
24 cards or debit cards for the transaction of
25 business shall print more than the last five

1 ALTMAN

2 digits of the card number or the expiration date
3 upon any receipt provided to the cardholder at
4 the point of sale or transaction.

5 Correct?

6 A. Correct.

7 Q. Is that your general understanding of
8 the FACTA prohibition?

9 A. And that it's also illegal to print 10
10 digits.

11 Q. Okay. Where did you obtain that
12 understanding?

13 A. Through my brother-in-law.

14 Q. Any other source?

15 A. No.

16 Q. All right. So in the provision I just
17 read, would you agree that there are two separate
18 prohibitions, one of which is no more than five
19 digits of the card number should display on the
20 credit card receipt?

21 Correct?

22 MR. LAMER: Objection, calls for a
23 legal conclusion.

24 Go ahead.

25 A. Correct.

1 ALTMAN

2 Q (By Mr. Goheen) And then the second
3 prohibition is that the expiration date of the
4 credit card should not be displayed.

5 MR. LAMER: Objection.

6 A. Correct.

7 MR. LAMER: Objection, calls for a
8 legal conclusion.

9 Q (By Mr. Goheen) So in the receipt, as
10 we return back to the receipt that you were
11 given, you would agree that the expiration date
12 of your credit card is not displayed anywhere on
13 the receipt.

14 Correct?

15 A. Correct.

16 Q. So it's fair to say you're not
17 asserting a claim against White House Black
18 Market based on the expiration date portions of
19 FACTA, correct?

20 MR. LAMER: Objection, calls for a
21 legal conclusion.

22 Go ahead.

23 A. Correct.

24 Q (By Mr. Goheen) Your claim, I think
25 it's based on displaying too many digits on the

1 ALTMAN

2 credit card number of the receipt, right?

3 A. Correct.

4 Q. Now look at the language in the middle
5 of the page below the amount tendered. Do you
6 see that?

7 A. Yes.

8 Q. So there you have the AmEx brand
9 identification and the card number, right?

10 A. Yes.

11 Q. And you did use the AmEx card number
12 ending in digits 1001, correct?

13 A. Yes.

14 Q. The last five digits -- I'm sorry,
15 more than the last five digits are not displayed
16 on that receipt, correct?

17 A. Correct.

18 Q. But the first six numbers are
19 displayed, correct?

20 A. Correct.

21 Q. And that's your assertion of the
22 allegation here, correct --

23 MR. LAMER: Objection. Calls for a --

24 MR. GOHEEN: I haven't finished the
25 question yet, Counsel.

1 ALTMAN

2 MR. LAMER: Go ahead. Go ahead.

3 Q (By Mr. Goheen) Your allegation is
4 that those first six digits and the total number
5 of digits constitute the violation here; is that
6 correct?

7 MR. LAMER: Objection, calls for a
8 legal conclusion. Objection to form.
9 Compound.

10 Go ahead.

11 A. Yes.

12 Q (By Mr. Goheen) Is there any other
13 basis for your claim against White House Black
14 Market?

15 MR. LAMER: Objection. Calls for a
16 legal conclusion.

17 MR. GOHEEN: No, it doesn't. I'm
18 asking for facts.

19 MR. LAMER: This is my objection.

20 MR. GOHEEN: And it's my deposition.

21 MR. LAMER: Fine.

22 Q (By Mr. Goheen) You can answer.

23 MR. LAMER: For the record, Counsel, I
24 can -- you can ask your questions and I can
25 assert my objections. If you disagree with

1 ALTMAN

2 my objections, that's fine.

3 MR. GOHEEN: Are you done?

4 MR. LAMER: I am done.

5 Q (By Mr. Goheen) Good. Now you can
6 answer the question.

7 A. No.

8 Q. And certainly you're not contending
9 that White House Black Market displayed all 15
10 digits of your credit card number, correct?

11 A. Certainly.

12 Q. You are not?

13 A. I am not.

14 Q. Now, according to the time stamp in
15 the middle of this receipt, you completed this
16 transaction and received the receipt
17 approximately at 1:40 p.m. on May 16th. Correct?

18 A. Correct.

19 Q. Prior to this occurrence, had you made
20 it a habit to look at your credit card receipts
21 immediately at the point of sale to determine if
22 they complied with FACTA?

23 A. I frequently look at them upon point
24 of sale because I have to sign them upon point of
25 sale. So I look at everything on the receipt to

ALTMAN

see if it is what I purchased, the price I purchased, and, yes, I look at the credit card number.

Q. Okay. So how long had that been your practice prior to May 16, 2015?

A. Several years.

Q. And you had not noticed any receipt that you believe may not have complied with FACTA in the several years prior to May 16, 2015?

A. There was one time I got a gas station receipt that I thought was not in compliance that I called my brother-in-law about. But it was in compliance. It printed the last five digits and I thought the law was four. And that's when he refreshed my memory of what that law was.

Q. So that's the only other time, other than this one, that you have at least suspected a noncompliance with the FACTA statute for a credit card receipt that you personally obtained?

A. Yes.

Q. When did you first -- talking about this receipt now, this specific receipt in May 2015, when did you first notice that the receipt may not have complied with FACTA?

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A. Within moments of leaving the store.

Q. So you didn't need anyone to advise you this time. You didn't have to call up your brother-in-law and ask; is that correct?

A. Correct.

Q. What was your reaction when you discovered that your belief was that it did not comply with FACTA?

A. Disgust and disdain.

Q. How so?

A. That a company that is as large as White House Black Market would violate the law.

Q. How many days or weeks after you discovered the alleged violation did you authorize the filing of the complaint?

A. Within a couple of days.

Q. So this alleged disgust and disdain that you felt, what did you -- how did you act upon it?

MR. LAMER: Objection, argumentative.

Go ahead.

A. I went back to my sister's house, discussed it with my brother-in-law. He confirmed the law. And I said, Can you do

ALTMAN

something about this? And he said yes. And so within a few days, he had told me that he could file a complaint on my behalf.

Q. Did you hire your brother-in-law to represent you?

A. Technically, yes.

Q. What do you mean "technically"?

A. I did not pay him to represent me.

Q. Have you ever paid him to represent you?

A. No.

Q. Has he represented you in any other legal disputes that you may have been involved in?

A. No.

Q. So this is the first and only time?

A. Yes.

Q. So there would be nothing like an engagement letter that you executed with your brother-in-law then, right?

A. I'm not sure I understand that.

Q. Well, we were provided what was called a class action authorization when you signed that with Mr. Lamer's firm, Mr. Dorsen's firm and then

ALTMAN

the firm in Chicago, right?

A. Yes.

Q. You didn't recall -- I'm sorry. You didn't sign anything like that with Mr. Wexler; is that correct?

A. Correct.

Q. So you understand what I'm talking about, like an engagement letter, you don't recall signing anything like that?

A. Correct.

Q. Why did you authorize the filing of the complaint, I think you said two days after you noticed the violation? Why would you move so quickly?

A. Because he was able to start working on it.

Q. And the complaint itself was filed close to two months later?

A. Yep.

Q. July 8?

A. That's correct.

Q. Same question: Why file the lawsuit within two months of the transaction?

A. Because, I mean, that's what happens,

<p style="text-align: right;">Page 70</p> <p>1 ALTMAN</p> <p>2 right. The law is broken, you file a complaint.</p> <p>3 I don't know. To me, I move in like minutes and</p> <p>4 seconds at my job, so two months seemed</p> <p>5 reasonable.</p> <p>6 Q. I'm going to hand you Exhibit 4, what</p> <p>7 we will mark as Exhibit 4.</p> <p>8 (Exhibit 4, American Express</p> <p>9 statement, marked for identification.)</p> <p>10 MR. GOHEEN: Why don't we just take</p> <p>11 five. It's been --</p> <p>12 MR. LAMER: Let's do five. Off the</p> <p>13 record.</p> <p>14 (WHEREUPON, a recess was taken.)</p> <p>15 Q (By Mr. Goheen) I think we were</p> <p>16 marking Exhibit 4, which I will hand to you, Miss</p> <p>17 Altman. It's Bates numbered Altman 2942 to 2946.</p> <p>18 It's a document that you produced to us.</p> <p>19 You recognize this as a credit card</p> <p>20 statement from American Express for your AmEx</p> <p>21 credit card?</p> <p>22 A. Yes.</p> <p>23 Q. So just on the fourth page of the</p> <p>24 document, does that unredacted entry accurately</p> <p>25 reflect your May 16, 2015 purchase at the Phipps</p>	<p style="text-align: right;">Page 71</p> <p>1 ALTMAN</p> <p>2 Plaza White House Black Market location?</p> <p>3 A. Yes.</p> <p>4 Q. So looks like you have a Delta</p> <p>5 SkyMiles credit card, huh?</p> <p>6 A. I do.</p> <p>7 Q. So you earn SkyMiles and maybe other</p> <p>8 benefits when you use the card?</p> <p>9 A. Yes.</p> <p>10 Q. Well, I have that too.</p> <p>11 So you still use this credit card, I</p> <p>12 think you said earlier?</p> <p>13 A. Yes.</p> <p>14 Q. The one ending in 1001?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. All right. Let's look --</p> <p>17 return to the receipt.</p> <p>18 Now, at the bottom, it's actually</p> <p>19 slightly cut off here, but no language is cut</p> <p>20 off. You see the box that's sort of in</p> <p>21 asterisks, kind of a rectangle?</p> <p>22 A. Yes.</p> <p>23 Q. So inside that box is the following</p> <p>24 language: We value our customers and would like</p> <p>25 to know how we did today. Please share your</p>
<p style="text-align: right;">Page 72</p> <p>1 ALTMAN</p> <p>2 experience at, and this is going to be all caps,</p> <p>3 WWW.WHBMLISTENS.COM or WWW.WHBMLISTENS.COM.</p> <p>4 Correct?</p> <p>5 A. Correct.</p> <p>6 Q. When you discovered the potential</p> <p>7 FACTA violation, did you access that website to</p> <p>8 lodge a complaint or otherwise notify WHBM of the</p> <p>9 potential violation?</p> <p>10 A. No.</p> <p>11 Q. Why not?</p> <p>12 A. So two reasons: One, to me, those</p> <p>13 types of things are more like dirty fitting</p> <p>14 rooms. That's how I would perceive it.</p> <p>15 And, two, is I went home and spoke to</p> <p>16 my stepbrother about the receipt, which is a</p> <p>17 legal receipt.</p> <p>18 Q. Well, I understand you spoke with your</p> <p>19 stepbrother --</p> <p>20 A. You mean brother-in-law.</p> <p>21 Q. I mean your brother-in-law.</p> <p>22 A. Yes.</p> <p>23 Q. Do you believe that would have</p> <p>24 prevented you from accessing this website just</p> <p>25 because you spoke with Mr. Wexler?</p>	<p style="text-align: right;">Page 73</p> <p>1 ALTMAN</p> <p>2 MR. LAMER: Objection, argumentative.</p> <p>3 Go ahead.</p> <p>4 A. Yes, so to me this type of "contact</p> <p>5 us" is about dirty fitting rooms, not about</p> <p>6 breaking the law.</p> <p>7 Q (By Mr. Goheen) You don't know that,</p> <p>8 right?</p> <p>9 A. Correct, but that's my perception.</p> <p>10 Q. I understand, but you don't know that.</p> <p>11 MR. LAMER: Objection, asked and</p> <p>12 answered.</p> <p>13 Q (By Mr. Goheen) You can answer.</p> <p>14 A. Correct, that's my perception.</p> <p>15 Q. But you never did anything to confirm</p> <p>16 that perception, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Then there are two other websites on</p> <p>19 the receipt, correct? Right above your name is</p> <p>20 www.WhiteHouseBlackMarket.com, right?</p> <p>21 A. Yes.</p> <p>22 Q. And then right above that is</p> <p>23 www.WHBM.com/rewards, correct?</p> <p>24 A. Correct.</p> <p>25 Q. Did you access either one of those</p>

1 ALTMAN
2 websites to notify White House Black Market of
3 the potential violation?
4 A. No.
5 Q. Why not?
6 A. My intention was not to call 1-800
7 White House Black Market and say, You're breaking
8 the law at your Phipps Plaza store, please stop.
9 Q. Why not? Why not?
10 A. Because I felt like there was another
11 route to go.
12 Q. So you were uninterested in their
13 correcting the violation?
14 MR. LAMER: Objection,
15 mischaracterizes her testimony.
16 Argumentative.
17 Go ahead.
18 Q (By Mr. Goheen) You can answer.
19 A. I'm very interested in fixing the
20 violation.
21 Q. Then why didn't you access one of
22 these websites?
23 MR. LAMER: Objection, asked and
24 answered.
25 A. I went a legal route.

1 ALTMAN
2 A. No.
3 Q. Of course if you want to say that, I'm
4 fine with it actually.
5 So bottom line, having received what
6 you contend is a receipt that violates the law,
7 you just didn't notify White House Black Market
8 of that belief anytime prior to filing this
9 lawsuit.
10 Right?
11 MR. LAMER: Objection, asked and
12 answered.
13 MR. GOHEEN: No, it's not.
14 A. Correct.
15 Q (By Mr. Goheen) Let's mark this as
16 Exhibit 5.
17 (Exhibit 5, Plaintiff's First
18 Supplemental Responses to Defendant White
19 House Black Market, Inc.'s First Set of
20 Interrogatories, marked for
21 identification.)
22 Q (By Mr. Goheen) These are plaintiff's
23 first supplemental responses to defendant White
24 House Black Market's first set of
25 interrogatories.

1 ALTMAN
2 Q (By Mr. Goheen) Meaning what, what do
3 you mean by legal route?
4 A. Meaning I engaged the help of an
5 attorney to fix it.
6 Q. Oh, so did the attorney access any of
7 the websites then?
8 A. I have no idea.
9 Q. Did you advise him to do that?
10 MR. LAMER: Objection, calls for a
11 privileged communication.
12 Q (By Mr. Goheen) Did you think about
13 asking your attorney to do that?
14 A. It was -- I did not think about
15 telling him how to do his job.
16 Q. So you did not -- I think you said
17 earlier you did not call White House Black Market
18 either to complain about what you believed was a
19 legal violation?
20 A. I did not. I did not speak to the
21 manager. I did not send a carrier pigeon.
22 Q. You know, you don't have to say things
23 like that in the deposition, ma'am.
24 Did you write a letter to White House
25 Black Market to that effect?

1 ALTMAN
2 Are you familiar with this document?
3 You can take your time and look through it.
4 A. Yes, I'm familiar with this document.
5 Q. Turn to page 6 and interrogatory
6 number 4. Paraphrasing, you were asked to list
7 all communications you had with White House Black
8 Market since July 8 of 2013. Correct?
9 A. Yes.
10 Q. And your response in total was
11 plaintiff answers none, correct?
12 A. Correct.
13 Q. Does that remain the case today?
14 A. Yes.
15 Q. Okay. Now, when you realized that the
16 May 16th receipt may not have complied with
17 FACTA, did you continue using your AmEx credit
18 card that you used for the Phipps Plaza
19 transaction?
20 A. Yes.
21 Q. After realizing that the receipt may
22 have shown too many numbers, did you call
23 American Express and ask them to cancel the card
24 and issue you a new one?
25 A. No.

1 ALTMAN

2 Q. Did you otherwise notify American
3 Express that you believed your credit card may
4 have been compromised?

5 A. No.

6 Q. Did you have any communication at all
7 with American Express on the subject of the May
8 2015 receipt?

9 A. No.

10 Q. Have you ever had to cancel a credit
11 card for any reason?

12 A. Yes.

13 Q. What were those reasons?

14 A. Lost cards, stolen cards, closing
15 accounts.

16 Q. When did you have a credit card
17 stolen?

18 A. When I was in Europe, stole or lost,
19 I'm not exactly sure, but my wallet went missing.

20 Q. When did that occur?

21 A. After college.

22 Q. Like after graduation, a graduation
23 trip or something?

24 A. Yes.

25 Q. Where were you in Europe?

1 ALTMAN

2 A. I don't remember.

3 Q. Where did you go on that trip?

4 A. We started in France. We went to
5 England. We went to the Netherlands. We went to
6 Switzerland. We went to Germany. We went to
7 Austria. We went to Italy. We went to Belgium.

8 Q. Sounds like a long trip. How long
9 were you in Europe?

10 A. Four or five weeks.

11 Q. Who did you go with?

12 A. Jill Lichter, who I mentioned before.
13 My friend, Amy Aarons Rosen. And then my sister
14 met me there at the end.

15 Q. So what credit card -- well, were
16 there multiple credit cards that then you had to
17 cancel because your wallet went missing or was
18 stolen?

19 A. I don't recall.

20 Q. Do you recall what card or cards you
21 had to cancel?

22 A. I don't recall.

23 Q. Were you issued new cards upon calling
24 for the cancellation?

25 A. I imagine.

1 ALTMAN

2 Q. But you don't specifically recall?

3 A. (Witness shook head negatively.)

4 Q. Let's mark this as the next exhibit.

5 (Exhibit 6, American Express "What You
6 Can Do" sheet, marked for identification.)

7 Q (By Mr. Goheen) This is Exhibit 6.

8 I'll represent to you that this is
9 information pulled directly from the
10 AmericanExpress.com website. Have you ever
11 accessed this portion of the American Express
12 website?

13 A. No.

14 Q. At the top first page is entitled,
15 "What you can do." Do you see that?

16 A. Yes.

17 Q. Right below that there's a heading
18 entitled, "Protecting yourself." Do you see
19 that?

20 A. Yes.

21 Q. So right below that, the sentence
22 states, "At American Express we work hard to
23 protect you from fraud, but your active
24 involvement plays a very important role. Here
25 are some simple and important steps you can take

1 ALTMAN

2 to help reduce your risk," correct?

3 A. Yes.

4 Q. Then you see there's a number of
5 bullet points there. And the first one says,
6 "Monitor your account activity on-line," correct?

7 A. Yes.

8 Q. Do you have an on-line account with
9 American Express?

10 A. Yes.

11 Q. How long have you had an on-line
12 account?

13 A. Since the inception of my credit card
14 with them.

15 Q. Meaning the current one, the 1001?

16 A. Correct.

17 Q. How often do you monitor your account
18 activity on-line?

19 A. Several times a month.

20 Q. How long have you engaged in that
21 practice?

22 A. Since I started with the card.

23 Q. So the frequency or pattern of your
24 checking was not altered by the events of May
25 2015?

1 ALTMAN

2 A. The frequency or pattern were not
3 altered.

4 Q. Now, below that there's a bullet point
5 that states, "Review your credit report
6 regularly," correct?

7 A. Yes.

8 Q. And American Express recommends that
9 you regularly review your credit report for any
10 inaccurate information or transactions that you
11 didn't authorize, correct?

12 A. Correct.

13 Q. Do you regularly review your credit
14 report?

15 A. Yes.

16 Q. How often?

17 A. Every month.

18 Q. And do you have a service that
19 provides you --

20 A. Yes.

21 Q. What service is that?

22 A. Experian.

23 Q. How long have you had that service?

24 A. About seven years.

25 Q. Since your divorce?

1 ALTMAN

2 A. Yes.

3 Q. Is that why you got it?

4 A. Yes.

5 Q. Have you had the same product or
6 service that entire seven years with Experian?

7 A. I'm not sure.

8 Q. You understand there are different
9 levels of protection and different products,
10 correct?

11 A. Yes.

12 Q. So that's my question, why I'm asking
13 the question. But you are not sure if you have
14 gotten some enhanced or gotten some different
15 level of protection in seven years?

16 A. Right.

17 Q. Did you obtain a different level of
18 protection after May 16, 2015?

19 A. I'm not sure. Not specifically.

20 Q. You mean, you don't specifically
21 recall? What do you mean by "specifically"?

22 A. No, sorry. I did not specifically
23 obtain a new level. If they upgraded me or
24 changed my service, that's why.

25 Q. I understand. Let me see if I can

1 ALTMAN

2 rephrase it.

3 You didn't seek some sort of enhanced
4 or elevated level of protection because of the
5 receipt you received from White House Black
6 Market in May of 2015, correct?

7 A. Correct.

8 Q. When you have -- well, let me back up.

9 So what are you provided by Experian
10 on a monthly basis, pursuant to the service that
11 you have with that company?

12 A. My current credit score, alerts when
13 my credit score changes, helpful tips about
14 changing my credit score, and then specifics
15 about what is affecting my score.

16 Q. It's generated through FICO?

17 A. I believe so.

18 Q. When you have reviewed your credit
19 report, have you ever come across transactions
20 from American Express that you did not authorize?

21 A. Not that I'm aware.

22 Q. Or any other card brand?

23 A. Not that I'm aware.

24 Q. Looking now at the other items on this
25 bullet point, there's a recommendation of going

1 ALTMAN

2 paperless. Do you see that about halfway through
3 the page?

4 A. Yes.

5 Q. Have you switched to paperless
6 statements?

7 A. For some of my accounts, yes.

8 Q. Which accounts?

9 A. This account in particular, yes.

10 Q. When did you do that?

11 A. Several years ago. I don't recall
12 exactly.

13 Q. Why did you do that?

14 A. I don't recall exactly.

15 Q. Let's go to the second page of the
16 document.

17 You see the heading that says, "If you
18 are a victim"?

19 A. Yes.

20 Q. That section states, "If you believe
21 that you are a victim of identity theft, inform
22 American Express as soon as possible by
23 contacting the number on the back of your card."

24 Did you inform American Express or
25 contact the number on the back of the card after

1 ALTMAN

2 you realized you may have been given a
3 noncompliant receipt?

4 A. No.

5 Q. And below that there's a
6 recommendation that you can visit the Federal
7 Trade Commission, FTC, website for step-by-step
8 guidelines, correct?

9 A. Correct.

10 Q. Have you ever visited the FTC website?

11 A. No.

12 Q. So you didn't visit the FTC website
13 after you learned of the possible legal violation
14 here?

15 A. Correct.

16 Q. When you discovered the possible
17 statutory violation, did you obtain any further
18 identity theft protection product or service?

19 A. No.

20 Q. Does the Experian product function as
21 identity theft protection?

22 A. I think so.

23 Q. Or is it simply a credit monitoring
24 product?

25 A. I'm not sure.

1 ALTMAN

2 Q. So putting that aside, whether it does
3 or it doesn't, that's fine, but putting that
4 aside, you did not look into any actual or
5 increased identity theft protection service after
6 May 16, 2015?

7 A. Correct.

8 Q. After discovering the possible
9 statutory violation, did you personally take any
10 steps to reduce or prevent the possibility that
11 the display of the digits on your credit card
12 might lead to possible identity theft or identity
13 fraud?

14 MR. LAMER: Objection, vague. Do you
15 know what Mr. Goheen is asking?

16 A. I'm not sure I understand the
17 question.

18 MR. LAMER: Do you mind, Barry.

19 Q. (By Mr. Goheen) Did you take any steps
20 to reduce or prevent the possibility that you
21 might be a victim of identity theft or identity
22 fraud?

23 A. No.

24 Q. Did you contact -- we will use
25 Experian as the example since they supply your

1 ALTMAN

2 product. Did you contact Experian to ask that a
3 fraud alert be put on your account?

4 A. No.

5 Q. Did you contact any other credit
6 reporting agency to ask that a fraud alert be put
7 on your account?

8 A. No.

9 (Exhibit 7, Plaintiff's Responses to
10 White House Black Market, Inc.'s First Set
11 of Requests for Admission, marked for
12 identification.)

13 Q. (By Mr. Goheen) Let me hand you
14 Exhibit 7. These are your responses to White
15 House Black Market's Requests for Admission.

16 A. Yes.

17 Q. So you recognize the document?

18 A. I do.

19 Q. Look at page seven and Request for
20 Admission Number 10. It's the last one.

21 A. Page seven is the signature -- oh,
22 okay, at the top, sorry.

23 Q. No problem.

24 Request for Admission Number 10
25 states, "Admit that you have not filed a report

1 ALTMAN

2 with any law enforcement agencies arising from
3 the receipt." And your response was admit,
4 correct?

5 A. Correct.

6 Q. Now, this response, as you see right
7 below that, is dated December 5, 2016, correct?

8 A. Correct.

9 Q. Does it remain true today that you
10 have not filed a report with any police or law
11 enforcement agency as a result of your being
12 provided with the receipt from White House Black
13 Market in May of 2015?

14 A. Yes.

15 Q. Have you ever filed a police report
16 complaining that someone has stolen or attempted
17 to steal your identity?

18 A. No.

19 Q. Have you ever filed a police report
20 complaining that someone committed identity fraud
21 on you by making unauthorized charges on your
22 credit card?

23 A. No.

24 Q. So let's turn back now to request
25 number one of this same document, which is on

ALTMAN

page three. So for the past two years -- it's been almost two years, right? For the past two years, you have retained possession of the receipt, correct?

A. My attorneys have the receipt.

Q. Good qualification. Let me rephrase.

Other than your providing it to your attorneys, you, otherwise, have retained possession of it since May 2015; is that correct?

A. Correct.

Q. And request for admission number one here, as you look at that, states, "Admit that you are still in possession of the receipt." And you admit that, is that --

A. Yes.

Q. And is that still something today you would admit four or five months after this response?

A. Yes.

Q. The next admission right below that states, "Admit that you have not lost the receipt at any time since you received it from White House Black Market." And you admit that, correct?

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A. Correct.

Q. And does that also remain true as we sit here today?

A. Yes.

Q. So other than showing it to your counsel, I'm not asking about that, have you ever shown the May 2015 receipt to a family member? And I'm excluding Mr. Wexler from that.

A. Not intentionally.

Q. Would you please explain that?

A. Yes. I don't recall if my sister may have been standing there when I first showed it to my brother-in-law.

Q. With that exception -- oh, I'm sorry, with that possible exception, you have, to your knowledge, never shown the receipt to your sister or any other family member, aside from Mr. Wexler?

A. Correct.

Q. And have you ever shown the receipt to any of your co-workers?

A. No.

Q. Or friends?

A. No.

ALTMAN

Q. Have you ever spoken about the possible statutory violation or your lawsuit to any of your coworkers or family members and relatives, again, including Mr. Wexler?

A. Yes.

Q. To whom?

A. Roger Graham, my boyfriend, my mother, my father, my boss. I had to tell her why I was coming here today. That's it.

Q. Was that the first time you had alerted your boss to the lawsuit, was your trip here today?

A. Yes.

Q. If I asked this before, I apologize. Do you have a new boss as of two weeks ago when your responsibilities changed?

A. Are you a Who fan? So, new boss same as the old boss? My boss has been my boss four times, I think.

Q. Really?

A. Yes.

Q. So this would be, I guess, for lack of a better term, also a legacy St. Jude Medical?

A. Yes.

ALTMAN

Q. And, yes, I am a Who fan. So you will not get fooled again.

All right. Well, I'm trying to ask this in a general way without being too general, but could you generalize these conversations you've had outside the presence of your counsel where you have discussed the lawsuit? Has it been kind of general, well, I need to go give a deposition? Or I have filed this lawsuit and here is what I'm claiming, and that sort of thing? Is it possible for you to do that sort of generalization?

A. Your generalization is accurate.

Q. Okay. And one reason I'm asking that is, and we may pull out later the interrogatory responses again that we showed earlier, but we asked is there anyone else that you believe has knowledge of the facts of the lawsuit.

A. Right.

Q. Other than you and, obviously, your counsel. And I think the response we were provided mentioned, you know, several from the White House Black Market because we had identified a few people in our own discovery. So

1 ALTMAN

2 that's the reason I'm asking these questions.

3 Do you believe there is anyone else,
4 outside your counsel, which includes Mr. Wexler,
5 even though he has withdrawn, that would have
6 knowledge of the facts of your lawsuit against
7 White House Black Market?

8 A. Not the detailed facts.

9 Q. Okay. Since May of 2015, you have
10 made additional purchases at a White House Black
11 Market location, correct?

12 A. Correct.

13 Q. So let's go to those interrogatory
14 responses I referred to a moment ago. It's
15 Exhibit 5. So let's look at Interrogatory
16 Number 2 at the top of page four, please.

17 And we ask, List all purchases you
18 have made from any White House Black Market store
19 since July 8, 2013, and asked for any information
20 from there. Obviously, we are talking about the
21 current receipt that brings us here today, but
22 you also state, She has made a small number of
23 purchases at WHBM since July 8, 2013, but that
24 she does not recall the precise number of
25 purchases, the date on which those purchases were

1 ALTMAN

2 made, or the amount of each purchase and whether
3 she used her American Express or MasterCard for
4 those purchases, correct?

5 A. Correct.

6 Q. And then you state that you are
7 investigating her American Express and MasterCard
8 statements for the relevant period, not all of
9 which are readily accessible to her at the
10 present time, and that she will supplement this
11 response once she has completed her
12 investigation. Correct?

13 A. Correct.

14 Q. So have you completed that
15 investigation now?

16 A. Yes.

17 Q. So what has that investigation
18 disclosed?

19 A. A pair of white Capri pants, a white
20 tank top. And then I didn't make the purchase,
21 but Roger made the purchase as a gift to me. It
22 was kind of a gray and blue sweater. One was
23 like an over the head sweater and then one was an
24 open sweater.

25 Q. Do you recall when those purchases

1 ALTMAN

2 were made, based on what investigation?

3 A. So he gave me those presents in
4 January, yes. So I don't know exactly when he
5 bought them. And then the Capri pants and the
6 tank top, I don't recall exactly when I bought
7 those.

8 Q. Okay. Let's see if we can go there.
9 We will have this as the next Exhibit, Exhibit 8.
10 (Exhibit 8, Purchase receipts, marked
11 for identification.)

12 Q. (By Mr. Goheen) So this receipt, it
13 would appear to reflect purchases, or a purchase
14 you made at a White House Black Market location
15 in Austin on January 23, 2016?

16 A. Yes. I forgot about the leggings,
17 sorry.

18 Q. No, worries. Actually, I thought you
19 may have mentioned that, but that's fine.

20 So the location of the store is
21 identified as Barton Creek Square, correct?

22 A. Yes.

23 Q. Is that like the nearest location?

24 A. It's the main mall in Austin, yes.

25 Q. Phipps Plaza of Austin?

1 ALTMAN

2 A. I wouldn't quite call it the Phipps
3 Plaza of Austin.

4 Q. It aspires to be the Phipps Plaza of
5 Austin?

6 A. It's the Lenox Square of Austin.

7 Q. Say no more.

8 How often have you shopped at the
9 Barton Creek Square location? Window shopped or
10 otherwise.

11 A. So I have lived in Austin for 19
12 years.

13 Q. Many times then?

14 A. Many times.

15 Q. So in this transaction, looking at the
16 far left-hand side, you are using the same
17 American Express card; is that fair to say?

18 A. Correct.

19 Q. Because here we have the card number,
20 the last four digits are 1001?

21 A. Yes.

22 Q. So you are comfortable it's the same
23 AmEx that you used a few months earlier in
24 Atlanta?

25 A. Yes.

ALTMAN

Q. And here all four, I'm sorry the entire set of numbers is masked other than the last four, correct?

A. Correct.

Q. And I guess going back to what you said about May, did you also look at this particular receipt at the point of sale or soon thereafter?

A. Yes.

Q. And notice what you would consider it to be not violative, I guess, of the FACTA statute?

A. Yes.

Q. Of course, this is after the lawsuit was filed, right?

A. Yes.

Q. January 2016.

When you saw what you considered to be the compliant receipt, did it make any impression on you one way or the other?

A. I was happy it was compliant.

Q. Did the receipt of the -- that's not a good word. Did your having been given the May 2015 receipt dissuade you from going back to shop

ALTMAN

at White House Black Market?

A. Clearly, not.

Q. Well, this is eight months later, right? I mean, we are talking about May to January, I guess. And you said you had been there, I guess you go there on, perhaps, regular occasions, whether or not you buy anything.

So you are comfortable you had probably been there between May and January, but just had not purchased anything?

A. I don't recall.

Q. Okay. So I go back to my -- well, I guess you answered the question. You weren't dissuaded from going back to a White House Black Market, fair?

A. Fair.

Q. Now, this reflects you are still a member, or at least as of January 2016 a member of the rewards program, correct?

A. Yes.

Q. So you got that five percent discount, right?

A. Yes.

Q. Now, what about the two receipts to

ALTMAN

the right of that one? It looks like -- well, do you remember paying in cash for any part of this and then running that back or having someone run that back through and voiding that out?

A. No. I'm confused, actually.

Q. Okay.

A. As to why there are three receipts. For, basically, one pair of leggings and why there are three different prices. So it looks like maybe the store clerk messed up, right?

Q. Well, you believe it to be the same price, \$34.56 total?

A. Oh, okay.

Q. If you look at the total?

A. Sorry. I was looking at the bottom where it talks about the silver member and the --

Q. Right.

A. So those are different totals.

Q. Yes.

A. Yes.

Q. But you don't have a recollection of paying in cash and then having a post void, which is what that right hand --

A. No.

ALTMAN

Q. Okay. In the 15 months since this transaction, have you made other purchases at this particular location, White House Black Market?

A. I don't know if it was this location. There's another location by me, The Hill Country Galleria, that I think the white leggings maybe came from, or the white capri pants, sorry.

Q. Do you recall now that we have this one of January 2016, do you recall if that may have been subsequent to January 2016, or before?

A. If I had to guess, I would say it would be after, because leggings, you know, black leggings are winter and then white capri pants are spring, but that --

Q. Let me ask this, which you probably can answer with a little more certainly. It was subsequent to May of 2015?

A. Yes.

Q. Let me mark this as the next Exhibit. (Exhibit 9, American Express Statement, marked for identification.)

Q. (By Mr. Goheen) This will be Exhibit 9.

<p style="text-align: right;">Page 102</p> <p>1 ALTMAN</p> <p>2 All right. So this, again, you</p> <p>3 produced to us in this litigation. It's Bates</p> <p>4 numbered Altman-3003 through 3010.</p> <p>5 So again, look at the next to last</p> <p>6 page of the document. So that would reflect, are</p> <p>7 you confident that reflects the purchase we were</p> <p>8 just talking about on the receipt of January 23,</p> <p>9 2016?</p> <p>10 A. Yes.</p> <p>11 (Exhibit 10, Store receipt, marked for</p> <p>12 identification.)</p> <p>13 Q. (By Mr. Goheen) Let me have this, this</p> <p>14 is Exhibit 10, which I think you just referred to</p> <p>15 a moment ago.</p> <p>16 So this purchase was made at the shops</p> <p>17 at Charleston Place in Charleston,</p> <p>18 South Carolina, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Or, at least, so says the top of the</p> <p>21 receipt.</p> <p>22 You said earlier your husband made</p> <p>23 these purchases, or you believe your husband --</p> <p>24 A. Domestic partner.</p> <p>25 Q. I'm sorry. Mr. Graham made these</p>	<p style="text-align: right;">Page 103</p> <p>1 ALTMAN</p> <p>2 purchases?</p> <p>3 A. Yes.</p> <p>4 Q. Excuse me. Roger Graham made these</p> <p>5 purchases.</p> <p>6 Were you in Charleston with him?</p> <p>7 A. No.</p> <p>8 Q. Do you know why he was in Charleston?</p> <p>9 A. For a meeting.</p> <p>10 Q. So it was business related?</p> <p>11 A. Yes.</p> <p>12 Q. So he used your rewards discount?</p> <p>13 A. Yes.</p> <p>14 Q. And so the Visa card here that has the</p> <p>15 card number ending in 7628, that likely would be</p> <p>16 his personal Visa card?</p> <p>17 A. I believe so.</p> <p>18 Q. Well, let me ask it a better way.</p> <p>19 It's not your card?</p> <p>20 A. It is not my card.</p> <p>21 Q. I guess it, conceivably, could be a</p> <p>22 corporate or a business card. I wasn't trying to</p> <p>23 suggest otherwise, but it's not your card that</p> <p>24 was used for this transaction?</p> <p>25 A. Correct. Correct.</p>
<p style="text-align: right;">Page 104</p> <p>1 ALTMAN</p> <p>2 Q. Do you know if he's ever bought other</p> <p>3 items for you at any other White House Black</p> <p>4 Market location?</p> <p>5 A. I don't know.</p> <p>6 Q. Do you know if any other person has</p> <p>7 made purchases as gifts or otherwise for you at</p> <p>8 any White House Black Market location?</p> <p>9 A. I don't recall.</p> <p>10 Q. Do you know of anyone else that</p> <p>11 purchases items at White House Black Market,</p> <p>12 friends, coworkers, family members?</p> <p>13 A. Not specifically.</p> <p>14 Q. Are you aware of any other persons</p> <p>15 that have purchased items at White House Black</p> <p>16 Market with a credit card that received a</p> <p>17 noncompliant receipt?</p> <p>18 A. Not --</p> <p>19 MR. LAMER: Objection. Objection,</p> <p>20 calls for a legal conclusion. Go ahead.</p> <p>21 A. Yes, not -- I mean, 400,000 people in</p> <p>22 the class. Is that the right answer?</p> <p>23 Q. I'm just asking, do you know?</p> <p>24 A. Yes, I don't know them personally.</p> <p>25 Q. All right. And that's sort of my -- I</p>	<p style="text-align: right;">Page 105</p> <p>1 ALTMAN</p> <p>2 guess, that was my question. Do you know, I</p> <p>3 mean, personally of anyone else that you believe</p> <p>4 might be in the large class that you just alluded</p> <p>5 to?</p> <p>6 A. No.</p> <p>7 Q. When you received the receipt in May</p> <p>8 of 2015, did you ask any friend or acquaintance</p> <p>9 or family member, again, taking Mr. Wexler out of</p> <p>10 the equation, whether they had ever received a</p> <p>11 receipt like the one you had received from White</p> <p>12 House Black Market?</p> <p>13 A. I don't recall.</p> <p>14 Q. You understand that you are not</p> <p>15 seeking actual damages from White House Black</p> <p>16 Market in this case, correct?</p> <p>17 A. Correct.</p> <p>18 Q. You are seeking something, the term of</p> <p>19 art is statutory damages. Is that a term you</p> <p>20 have heard in the proceeding of this case?</p> <p>21 A. Yes.</p> <p>22 Q. So, for example, you have not</p> <p>23 sustained any lost wages as a result of the</p> <p>24 conduct that underlies your complaint against</p> <p>25 White House Black Market; is that correct?</p>

<p style="text-align: right;">Page 106</p> <p>1 ALTMAN</p> <p>2 A. Correct.</p> <p>3 Q. Or lost any salary?</p> <p>4 A. Correct.</p> <p>5 Q. Correct?</p> <p>6 And you are not making any such claim</p> <p>7 here, correct?</p> <p>8 A. Correct.</p> <p>9 Q. You have not sustained any what would</p> <p>10 be termed as out of pocket damages as a result of</p> <p>11 White House Black Market's receipt; is that</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. Nor are you seeking to recover such</p> <p>15 items here, correct?</p> <p>16 A. Correct.</p> <p>17 Q. You have not sustained any economic</p> <p>18 damages as a result of the alleged FACTA</p> <p>19 violation, correct?</p> <p>20 MR. LAMER: Objection. Calls for a</p> <p>21 legal conclusion.</p> <p>22 A. Correct.</p> <p>23 Q. (By Mr. Goheen) In other words, you</p> <p>24 have not incurred a denial of credit that you</p> <p>25 would attribute to your getting this receipt in</p>	<p style="text-align: right;">Page 107</p> <p>1 ALTMAN</p> <p>2 May of 2015, correct?</p> <p>3 A. Right.</p> <p>4 Q. Or that you are required to pay a</p> <p>5 higher interest rate on a loan or a credit card</p> <p>6 because of the receipt you were provided in May</p> <p>7 of 2015, correct?</p> <p>8 MR. LAMER: Objection. Compound.</p> <p>9 Go ahead.</p> <p>10 A. Not that I'm aware.</p> <p>11 Q. (By Mr. Goheen) I may have asked you</p> <p>12 this earlier, but you have not incurred any</p> <p>13 unauthorized charges to your AmEx card that's</p> <p>14 used at Phipps Plaza that you would attribute to</p> <p>15 White House Black Market, correct?</p> <p>16 A. Not that I'm aware.</p> <p>17 Q. Have you incurred any unauthorized</p> <p>18 charges to any of your other credit cards that</p> <p>19 you would attribute to White House Black Market?</p> <p>20 A. Not that I'm aware.</p> <p>21 Q. So in other words, you're not alleging</p> <p>22 you have lost any money as a result of the</p> <p>23 alleged violation, correct?</p> <p>24 A. Correct.</p> <p>25 Q. You have not received any medical</p>
<p style="text-align: right;">Page 108</p> <p>1 ALTMAN</p> <p>2 treatment as a result of the conduct you allege</p> <p>3 from White House Black Market, have you?</p> <p>4 A. No.</p> <p>5 Q. And, thus, you are not seeking to</p> <p>6 recover from White House Black Market any cost</p> <p>7 associated with any potential medical treatment,</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. You have not sustained any injury to</p> <p>11 your reputation as a result of White House Black</p> <p>12 Market's alleged conduct, correct?</p> <p>13 A. Correct.</p> <p>14 Q. So you are not seeking to recover any</p> <p>15 such damages for that, correct?</p> <p>16 A. Correct.</p> <p>17 Q. You have not sustained any damages for</p> <p>18 emotional distress as a result of White House</p> <p>19 Black Market's conduct, correct?</p> <p>20 A. Correct.</p> <p>21 Q. And you, regardless, are not seeking</p> <p>22 to recover for any such damages in this lawsuit,</p> <p>23 correct?</p> <p>24 A. Correct.</p> <p>25 Q. So in the complaint -- we can go ahead</p>	<p style="text-align: right;">Page 109</p> <p>1 ALTMAN</p> <p>2 and look at the complaint here, Exhibit 2, at the</p> <p>3 bottom of page 13, the next to last, I guess,</p> <p>4 close to the next to last page, at least, up</p> <p>5 here, page 13 to 14, if you look at that.</p> <p>6 A. Of Exhibit 2?</p> <p>7 Q. Of the complaint, yes.</p> <p>8 A. Okay. Yep.</p> <p>9 Q. So you allege there at the bottom in</p> <p>10 sub A that you are seeking statutory damages of</p> <p>11 no less than \$100, nor more than \$1,000 per</p> <p>12 violation, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And you understand that statutory</p> <p>15 damages, as opposed to actual damages, are the</p> <p>16 only types of damages you can recover in this</p> <p>17 case because you have alleged only a willfulness</p> <p>18 claim against White House Black Market?</p> <p>19 MR. LAMER: Objection. Calls for a</p> <p>20 legal conclusion.</p> <p>21 A. Yes.</p> <p>22 Q. (By Mr. Goheen) Well, do you</p> <p>23 understand you can't recover actual damages the</p> <p>24 way the complaint is pleaded, correct?</p> <p>25 MR. LAMER: Objection. Calls for a</p>

<p style="text-align: right;">Page 110</p> <p>1 ALTMAN</p> <p>2 legal conclusion.</p> <p>3 Go ahead.</p> <p>4 A. Yes.</p> <p>5 Q. (By Mr. Goheen) So you are comfortable</p> <p>6 with the fact that the most you would receive in</p> <p>7 this case is \$1,000, and possibly as little as</p> <p>8 \$100, even if you are able to prove that White</p> <p>9 House Black Market willfully violated the law?</p> <p>10 A. Yes.</p> <p>11 Q. And you had that understanding when</p> <p>12 you initiated this case?</p> <p>13 A. Yes.</p> <p>14 Q. And authorized the complaint to be</p> <p>15 filed on your behalf?</p> <p>16 A. Yes.</p> <p>17 Q. Now, you contend that each member of</p> <p>18 the proposed class should be awarded the same</p> <p>19 amount of statutory damages, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know what amount of statutory</p> <p>22 damages you intend to ask the Court to award you?</p> <p>23 MR. LAMER: Objection. Calls for</p> <p>24 speculation.</p> <p>25 Q. I asked, do you know.</p>	<p style="text-align: right;">Page 111</p> <p>1 ALTMAN</p> <p>2 A. No.</p> <p>3 Q. I'm not asking you to speculate at</p> <p>4 all.</p> <p>5 So you don't know?</p> <p>6 A. Correct.</p> <p>7 Q. Do you believe that you are entitled</p> <p>8 to ask for more statutory damages because you're</p> <p>9 the one that brought the lawsuit?</p> <p>10 A. No.</p> <p>11 Q. Did you consult with any other</p> <p>12 potential class members as to whether they would</p> <p>13 agree to your limiting any individual class</p> <p>14 member's recovery to, at most, a thousand</p> <p>15 dollars?</p> <p>16 A. No.</p> <p>17 Q. Now, in the last page of this</p> <p>18 complaint, which is the page over, you state that</p> <p>19 you intend to ask the Court for punitive damages,</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. Do you have an understanding of what</p> <p>23 punitive damages are?</p> <p>24 MR. LAMER: Objection. Calls for a</p> <p>25 legal conclusion.</p>
<p style="text-align: right;">Page 112</p> <p>1 ALTMAN</p> <p>2 A. Not entirely.</p> <p>3 Q. (By Mr. Goheen) Well, what</p> <p>4 understanding do you have of punitive damages?</p> <p>5 MR. LAMER: Same objection.</p> <p>6 A. I guess it would be damages to harm</p> <p>7 White House Black Market for violating the law.</p> <p>8 Q. (By Mr. Goheen) What conduct of White</p> <p>9 House Black Market do you believe should entitle,</p> <p>10 I'm sorry, should result in, to use your term,</p> <p>11 harm to White House Black Market for violating</p> <p>12 the law?</p> <p>13 MR. LAMER: Objection. Calls for a</p> <p>14 legal conclusion.</p> <p>15 A. I'm sorry. Will you rephrase the</p> <p>16 question?</p> <p>17 MR. GOHEEN: Can you read back the</p> <p>18 last answer?</p> <p>19 (WHEREUPON, the record was read back</p> <p>20 by the reporter as follows:)</p> <p>21 "Answer: I guess it would be damages</p> <p>22 to harm White House Black Market for</p> <p>23 violating the law."</p> <p>24 Q. (By Mr. Goheen) And my question is,</p> <p>25 what conduct are you aware of that would support</p>	<p style="text-align: right;">Page 113</p> <p>1 ALTMAN</p> <p>2 a court imposing that sort of harm to White House</p> <p>3 Black Market, to use your term?</p> <p>4 MR. LAMER: Objection. Calls for a</p> <p>5 legal conclusion.</p> <p>6 A. It would be that they were not</p> <p>7 compliant, that their point of sale machines were</p> <p>8 not up to date.</p> <p>9 Q. (By Mr. Goheen) Okay. Is there</p> <p>10 anything else that you're aware of?</p> <p>11 MR. LAMER: Same objection.</p> <p>12 A. No.</p> <p>13 Q. (By Mr. Goheen) Okay. As we sit here</p> <p>14 today, do you have an amount that you intend to</p> <p>15 ask the Court to award in terms of punitive</p> <p>16 damages?</p> <p>17 A. No.</p> <p>18 Q. Is it your position that every member</p> <p>19 of your proposed class should receive the same</p> <p>20 amount of punitive damages?</p> <p>21 A. Yes.</p> <p>22 Q. Do you have any formula by which</p> <p>23 punitive damages could be calculated in this</p> <p>24 case?</p> <p>25 MR. LAMER: Objection. Calls for a</p>

1 ALTMAN
2 legal conclusion.
3 A. I do not.
4 Q. (By Mr. Goheen) Now, in the
5 complaint -- let's look at the bottom of, or
6 let's look at paragraph 22 in the complaint.
7 So in paragraph 22, at the bottom of
8 page five, you allege, "Defendant's wanton
9 violation is tantamount to turning over
10 plaintiff's physical credit card to an identity
11 thief." Correct?
12 A. Yes.
13 Q. Then over on page 11 at paragraph 50,
14 do you see that? Paragraph 50, right at the
15 bottom of the page?
16 A. Yes.
17 Q. You allege, "Notwithstanding all of
18 the publicity and the Defendant's knowledge of
19 the statute's requirements, Defendant willfully
20 failed to comply with FACTA, thereby putting all
21 of its customers' financial identities at risk."
22 Correct?
23 A. Correct.
24 Q. So, essentially, would you agree that
25 you are alleging that the receipt exposed you and

1 ALTMAN
2 Q. Are you aware of any efforts by any
3 third parties or third persons to steal the
4 identity of any of the potential class members --
5 A. No.
6 Q. -- resulting from White House Black
7 Market's alleged violation?
8 A. No.
9 Q. In the two years since the lawsuit was
10 filed, or the nearly two years since the lawsuit
11 was filed, have you ever received any collection
12 calls on accounts that did not belong to you
13 resulting from the May 2015 receipt?
14 A. I have received collection calls on
15 accounts that did not belong to me. I am not
16 sure why, if it was because of the receipt or
17 not.
18 Q. When did you receive those calls?
19 A. I received them on a frequent basis,
20 primarily asking about accounts from my
21 ex-husband.
22 Q. What, credit card accounts, or some
23 other type?
24 A. I'm not sure.
25 Q. Are these debt collector calls?

1 ALTMAN
2 other people in the proposed class to a risk of
3 identity theft?
4 A. Yes.
5 Q. Have you ever been the victim of
6 identity theft?
7 A. Not to my knowledge.
8 Q. To your knowledge, prior to the events
9 underlying this lawsuit, had anyone ever
10 attempted to steal your identity?
11 A. Not to my knowledge.
12 Q. So your identity has not been stolen
13 as a result of the alleged statutory violation
14 you assert as to White House Black Market,
15 correct?
16 MR. LAMER: Objection. Asked and
17 answered.
18 A. Not to my knowledge.
19 Q. (By Mr. Goheen) Are you aware of any
20 third person or third party's efforts to steal
21 your identity as a result of White House Black
22 Market's alleged violation?
23 A. Putin? No.
24 Q. What was that?
25 A. Vladimir Putin. A joke.

1 ALTMAN
2 A. Yes.
3 Q. Are they robo calls?
4 A. I don't know.
5 Q. How long have you been receiving them?
6 A. Seven years.
7 Q. So they predate the events of this
8 lawsuit, correct?
9 A. Some of them, yes.
10 Q. Well, I mean, okay. Let me just try
11 that one more time. I get it. That wasn't a
12 very good question.
13 You have received collection calls of
14 some character for the last seven years, correct?
15 A. Yes.
16 Q. And I'm not asking you to delineate
17 who has called or whatever, but you have received
18 them pre-dating the events of May 16, 2015,
19 correct?
20 A. Correct.
21 Q. It may be that you have received
22 others from different collectors since May 16 of
23 2015; is that fair?
24 A. That's fair.
25 Q. But as I understood it, you don't know

<p style="text-align: right;">Page 118</p> <p>1 ALTMAN</p> <p>2 if there's any connection between those calls and</p> <p>3 the events of May 16, 2015, correct?</p> <p>4 A. Correct.</p> <p>5 Q. The same question with collection</p> <p>6 letters. Have you received any collection</p> <p>7 letters on accounts that did not belong to you?</p> <p>8 A. I don't recall if I have received</p> <p>9 letters.</p> <p>10 Q. Those accounts that you have been</p> <p>11 called on for the last seven years, how</p> <p>12 frequently do you receive those calls?</p> <p>13 A. Weekly.</p> <p>14 Q. Meaning, one call a week, or multiple</p> <p>15 calls each week? Or variable?</p> <p>16 A. Varying.</p> <p>17 Q. When you access your credit report,</p> <p>18 though, you don't recognize any accounts that</p> <p>19 just flat out don't belong to you?</p> <p>20 A. Correct.</p> <p>21 Q. All right. Let's go back to the</p> <p>22 interrogatory responses for a few moments,</p> <p>23 Exhibit 5.</p> <p>24 All right. Let's look at Exhibit --</p> <p>25 I'm sorry. Interrogatory 6, which is on the</p>	<p style="text-align: right;">Page 119</p> <p>1 ALTMAN</p> <p>2 bottom of page 6.</p> <p>3 So Interrogatory 6 states, "Explain in</p> <p>4 detail whether you have ever been the victim of</p> <p>5 identity theft at any time after receiving the</p> <p>6 receipt from WHBM. And, if so, explain when and</p> <p>7 under what circumstances you were the victim of</p> <p>8 identity theft," correct?</p> <p>9 A. Correct.</p> <p>10 Q. And then Interrogatory Number 7, which</p> <p>11 is on the next page, states, "Explain in detail</p> <p>12 any efforts by any person to steal your identity</p> <p>13 or commit identity fraud using your identity at</p> <p>14 any time after receiving the receipt from WHBM.</p> <p>15 And for all such efforts, explain in detail the</p> <p>16 circumstances concerning those efforts," correct?</p> <p>17 A. Correct.</p> <p>18 Q. Would you agree that your responses to</p> <p>19 both Interrogatory 6 and 7 are identical?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. I'll just read the one to</p> <p>22 Interrogatory Number 6. Your response reads,</p> <p>23 "Plaintiff is currently unaware if her identity</p> <p>24 has been compromised because of Defendant's</p> <p>25 privacy violations, but states that given the</p>
<p style="text-align: right;">Page 120</p> <p>1 ALTMAN</p> <p>2 nature of identity theft, it is entirely possible</p> <p>3 for such theft to have occurred without her being</p> <p>4 aware of it, and that in all likelihood not known</p> <p>5 until it is too late," correct?</p> <p>6 A. Correct.</p> <p>7 Q. What do you mean by "the nature of</p> <p>8 identity theft"?</p> <p>9 A. That it happens in secrecy. And</p> <p>10 unlike somebody stealing your wallet, taking it</p> <p>11 from you physically, this happens electronically,</p> <p>12 behind the scenes. And so from that standpoint,</p> <p>13 that's the nature of identity theft.</p> <p>14 Q. What's the source for your knowledge</p> <p>15 of that response you just gave?</p> <p>16 A. I'd say general knowledge from the</p> <p>17 news and the media.</p> <p>18 Q. Have you ever known anyone who has</p> <p>19 been the victim of identity theft?</p> <p>20 A. Yes.</p> <p>21 Q. Who is that?</p> <p>22 A. A coworker. I'm not sure exactly who,</p> <p>23 but I remember a coworker who went through it.</p> <p>24 And the trials and tribulations that occurred to</p> <p>25 fix it.</p>	<p style="text-align: right;">Page 121</p> <p>1 ALTMAN</p> <p>2 Q. This is a coworker at St. Jude</p> <p>3 Medical?</p> <p>4 A. I think so.</p> <p>5 Q. Not one of your prior two employers?</p> <p>6 A. It was years ago, so I'm not exactly</p> <p>7 sure.</p> <p>8 Q. So certainly then you are comfortable</p> <p>9 that it predated May of 2015?</p> <p>10 A. Yes.</p> <p>11 Q. What do you recall, other than the</p> <p>12 fact that it happened to your coworker, you know,</p> <p>13 the trials and tribulations to use the term you</p> <p>14 used, what did you observe in that instance?</p> <p>15 A. Closing all of the accounts, hits on</p> <p>16 credit scores, having to go through remediation</p> <p>17 with a bunch of different accounts, including</p> <p>18 places that wouldn't occur to me like the</p> <p>19 electric company and other companies, I guess,</p> <p>20 that use your credit to open and close accounts.</p> <p>21 Q. Do you have any recollection as to</p> <p>22 what the circumstances were of the identity</p> <p>23 theft? Meaning, was it someone that this</p> <p>24 coworker knew, or was it just a criminal act by</p> <p>25 some random person or anything like that?</p>

<p style="text-align: right;">Page 122</p> <p>1 ALTMAN</p> <p>2 A. It was -- he thought it was from a gas</p> <p>3 station credit card machine. And I remember that</p> <p>4 because for several years after that I would go</p> <p>5 into the gas station to either pay by credit card</p> <p>6 or use cash.</p> <p>7 Q. Is it possible that this particular</p> <p>8 event predated FACTA?</p> <p>9 MR. LAMER: Objection. Calls for a</p> <p>10 legal conclusion.</p> <p>11 A. Yes, so FACTA was --</p> <p>12 MR. GOHEEN: That's not a --</p> <p>13 A. -- 2006, is that right?</p> <p>14 Q. (By Mr. Goheen) Right. Yes.</p> <p>15 A. And I started at St. Jude in 2007, so</p> <p>16 it's possible.</p> <p>17 Q. Okay. Do you recall whether there</p> <p>18 were criminal charges that arose from that event?</p> <p>19 A. I don't.</p> <p>20 Q. Now, in this response you state there</p> <p>21 on the last portion, "It is entirely possible for</p> <p>22 such theft to have occurred without her being</p> <p>23 aware of it, and that in all likelihood not known</p> <p>24 until it is too late," correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 123</p> <p>1 ALTMAN</p> <p>2 Q. Well, have you undertaken an</p> <p>3 investigation to ascertain whether a theft of</p> <p>4 your identity has occurred?</p> <p>5 A. An active investigation, I -- yes. I</p> <p>6 mean, continuously monitoring my credit, checking</p> <p>7 my bills, and being aware.</p> <p>8 Q. And were those things you were doing</p> <p>9 also prior to May 2015?</p> <p>10 A. Yes.</p> <p>11 Q. Do you believe now, nearly two years</p> <p>12 later, that it is still, to use your term,</p> <p>13 entirely possible that your identity has been</p> <p>14 compromised?</p> <p>15 A. Yes.</p> <p>16 Q. What is the basis for that?</p> <p>17 A. Because the information could be out</p> <p>18 there. It could be stored on a server somewhere</p> <p>19 that somebody has hacked and they are sitting on,</p> <p>20 or they haven't hacked it yet, but they are</p> <p>21 trying to hack it. So I --</p> <p>22 Q. And, of course, you don't know that</p> <p>23 any of that actually is occurring or has</p> <p>24 occurred?</p> <p>25 A. That is true.</p>
<p style="text-align: right;">Page 124</p> <p>1 ALTMAN</p> <p>2 Q. So in the months after submitting this</p> <p>3 response of Interrogatory 6 and 7, would you</p> <p>4 change anything about the response?</p> <p>5 A. No.</p> <p>6 Q. Now, you understand, as we talked</p> <p>7 about a few moments ago, that your allegation in</p> <p>8 the complaint is that White House Black Market</p> <p>9 willfully violated FACTA, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And as we -- well, then you understand</p> <p>12 you have not made an allegation that White House</p> <p>13 Black Market negligently violated FACTA, correct?</p> <p>14 MR. LAMER: Objection. Calls for a</p> <p>15 legal conclusion.</p> <p>16 Q. (By Mr. Goheen) It's your complaint.</p> <p>17 A. Yes.</p> <p>18 Q. So you understand you're not seeking</p> <p>19 recovery from White House Black Market based on a</p> <p>20 claim that White House Black Market negligently</p> <p>21 violated FACTA, correct?</p> <p>22 MR. LAMER: Same objection.</p> <p>23 A. Correct.</p> <p>24 Q. (By Mr. Goheen) Do you have an</p> <p>25 understanding of what the concept of negligence</p>	<p style="text-align: right;">Page 125</p> <p>1 ALTMAN</p> <p>2 is?</p> <p>3 MR. LAMER: Objection. Calls for a</p> <p>4 legal conclusion.</p> <p>5 A. Not in legal terminology as you're</p> <p>6 assuming that I do.</p> <p>7 Q. (By Mr. Goheen) I'm not assuming</p> <p>8 anything.</p> <p>9 A. Okay.</p> <p>10 Q. I'm just asking you if you understand</p> <p>11 what the concept is.</p> <p>12 A. No.</p> <p>13 MR. LAMER: Same objection.</p> <p>14 Q. (By Mr. Goheen) Would you agree that</p> <p>15 what is required to show negligence is not as</p> <p>16 much as what is required to show wilfulness?</p> <p>17 MR. LAMER: Same objection. Calls for</p> <p>18 a legal conclusion. She's not a lawyer.</p> <p>19 MR. GOHEEN: I think we clarified</p> <p>20 that.</p> <p>21 Q. (By Mr. Goheen) You can answer.</p> <p>22 A. Yes, I don't know. I mean, I haven't</p> <p>23 studied what the difference is.</p> <p>24 Q. But you understand that if the most</p> <p>25 you can prove to the Court is that White House</p>

<p style="text-align: right;">Page 126</p> <p>1 ALTMAN</p> <p>2 Black Market negligently violated the FACTA</p> <p>3 statute, you won't win the case?</p> <p>4 MR. LAMER: Objection. Calls for a</p> <p>5 legal conclusion.</p> <p>6 Q. (By Mr. Goheen) Well, you understand</p> <p>7 that, right?</p> <p>8 MR. LAMER: Same objection.</p> <p>9 MR. GOHEEN: It's not objectionable.</p> <p>10 A. Yes, it's whatever the Court believes,</p> <p>11 right?</p> <p>12 MR. LAMER: Hold on for a second.</p> <p>13 For the record, I can lodge my</p> <p>14 objection and she can answer. I don't need</p> <p>15 your commentary on whether my objection is</p> <p>16 proper or not. I believe that it is.</p> <p>17 Maybe I'm dumb and I don't know, but that's</p> <p>18 the objection I'm going to lodge.</p> <p>19 You can go ahead.</p> <p>20 MR. GOHEEN: Are you done?</p> <p>21 MR. LAMER: I've just told you, so you</p> <p>22 don't need to talk to me like that.</p> <p>23 MR. GOHEEN: Great. I move to strike</p> <p>24 it.</p> <p>25 Q. (By Mr. Goheen) Now, do you understand</p>	<p style="text-align: right;">Page 127</p> <p>1 ALTMAN</p> <p>2 that?</p> <p>3 MR. LAMER: I will reiterate.</p> <p>4 MR. GOHEEN: Then I'll move to strike</p> <p>5 it again.</p> <p>6 MR. LAMER: I reiterate my objection.</p> <p>7 MR. GOHEEN: We can do this all day.</p> <p>8 I'm not the one with the plane.</p> <p>9 MR. LAMER: That's fine.</p> <p>10 MR. GOHEEN: I'm going to move to</p> <p>11 strike it.</p> <p>12 Q. (By Mr. Goheen) But can you just</p> <p>13 answer the question, please? Or do you need it</p> <p>14 read back after all that going on?</p> <p>15 A. No, so I don't know what the court</p> <p>16 will say.</p> <p>17 MR. LAMER: Actually, I would like to</p> <p>18 have the question read back.</p> <p>19 THE WITNESS: Okay.</p> <p>20 MR. LAMER: So I know exactly what</p> <p>21 Barry is attempting to ask. So I can lodge</p> <p>22 my objection and then you can answer his</p> <p>23 question.</p> <p>24 THE WITNESS: Okay.</p> <p>25 Q. (By Mr. Goheen) I will just ask it</p>
<p style="text-align: right;">Page 128</p> <p>1 ALTMAN</p> <p>2 this way.</p> <p>3 You understand that if you prove only</p> <p>4 a negligent violation of the statute by White</p> <p>5 House Black Market, you will not win the case?</p> <p>6 MR. LAMER: Objection. Calls for a</p> <p>7 legal conclusion.</p> <p>8 A. So I don't know how the Court will</p> <p>9 rule based on the facts.</p> <p>10 Q. (By Mr. Goheen) Let me ask it again.</p> <p>11 You understand that if the most you</p> <p>12 prove is a negligent violation by White House</p> <p>13 Black Market, you will lose the case?</p> <p>14 MR. LAMER: Same objection. Calls for</p> <p>15 a legal conclusion.</p> <p>16 A. Yes, same answer.</p> <p>17 Q. (By Mr. Goheen) Well, you haven't</p> <p>18 answered the question, unfortunately.</p> <p>19 MR. LAMER: She has answered.</p> <p>20 MR. GOHEEN: No, she hasn't.</p> <p>21 A. So, I don't -- you say, do you</p> <p>22 understand, and I say, I don't understand.</p> <p>23 Q. (By Mr. Goheen) You said you don't</p> <p>24 know how the Court would rule.</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 129</p> <p>1 ALTMAN</p> <p>2 Q. So if you don't understand, that's</p> <p>3 fine.</p> <p>4 A. Okay.</p> <p>5 Q. If you don't understand the concept</p> <p>6 then that if you only prove a negligent</p> <p>7 violation, you won't win the case?</p> <p>8 MR. LAMER: Objection. Calls for a</p> <p>9 legal conclusion. Mischaracterizes the</p> <p>10 witness's testimony.</p> <p>11 Q. (By Mr. Goheen) So that's your</p> <p>12 testimony?</p> <p>13 MR. LAMER: Wait a second. You can</p> <p>14 ask your question and she can answer it.</p> <p>15 If it's been answered, then I'm going to</p> <p>16 say -- go ahead. You ask your question.</p> <p>17 Q. (By Mr. Goheen) I don't know what that</p> <p>18 was all about, but can you answer it?</p> <p>19 MR. LAMER: Would you please ask the</p> <p>20 question so my witness understands what the</p> <p>21 question is?</p> <p>22 MR. GOHEEN: I did ask the question.</p> <p>23 You objected to it. Now she's confused.</p> <p>24 Q. (By Mr. Goheen) All right. I will ask</p> <p>25 it one more time.</p>

<p style="text-align: right;">Page 130</p> <p>1 ALTMAN</p> <p>2 MR. LAMER: Please.</p> <p>3 A. Thank you.</p> <p>4 Q. (By Mr. Goheen) You understand there</p> <p>5 is a cause of action for negligent violation of</p> <p>6 FACTA, correct?</p> <p>7 MR. LAMER: Objection. Calls for a</p> <p>8 legal conclusion.</p> <p>9 MR. GOHEEN: Well, there's a legal</p> <p>10 conclusion whether you understand that.</p> <p>11 That's interesting. I never heard that one</p> <p>12 before.</p> <p>13 Q. (By Mr. Goheen) So you understand, yes</p> <p>14 or no, that there is a cause of action for a</p> <p>15 negligent violation of FACTA?</p> <p>16 MR. LAMER: Same objection.</p> <p>17 A. Yes.</p> <p>18 Q. (By Mr. Goheen) And you understand</p> <p>19 there's a cause of action for a willful violation</p> <p>20 of FACTA?</p> <p>21 MR. LAMER: Same objection.</p> <p>22 A. Yes.</p> <p>23 Q. (By Mr. Goheen) You understand you</p> <p>24 have not asserted a negligent violation of FACTA</p> <p>25 here, correct?</p>	<p style="text-align: right;">Page 131</p> <p>1 ALTMAN</p> <p>2 MR. LAMER: Same objection.</p> <p>3 A. Correct.</p> <p>4 Q. (By Mr. Goheen) Ignore that.</p> <p>5 So you understand that if all you</p> <p>6 prove is a negligent violation, and you don't</p> <p>7 prove a willful violation, you will lose the</p> <p>8 case?</p> <p>9 MR. LAMER: Objection. Calls for a</p> <p>10 legal conclusion.</p> <p>11 Q. (By Mr. Goheen) Are you aware of that?</p> <p>12 A. So I -- no.</p> <p>13 Q. You don't understand that?</p> <p>14 A. No.</p> <p>15 Q. Okay. Do you have any facts or</p> <p>16 knowledge that White House Black Market</p> <p>17 intentionally set up its point of sale system at</p> <p>18 the store in Phipps Plaza to print more than four</p> <p>19 digits of your credit card number?</p> <p>20 A. I do not.</p> <p>21 Q. All right. Let's look at</p> <p>22 Interrogatory Number 10 on page 8. Do you see</p> <p>23 that?</p> <p>24 A. Uh-huh.</p> <p>25 Q. So we asked here, "Explain in detail</p>
<p style="text-align: right;">Page 132</p> <p>1 ALTMAN</p> <p>2 every fact that supports your allegation in</p> <p>3 paragraph 42 of your complaint that Defendant,</p> <p>4 quote, either recklessly failed to review their</p> <p>5 own FACTA compliance or intentionally opted to</p> <p>6 save money by not bringing stores into</p> <p>7 compliance," close quote. Do you see that?</p> <p>8 A. I do.</p> <p>9 Q. Now, your response was, "Plaintiff</p> <p>10 responds that her facts supporting the</p> <p>11 allegations are set forth in the complaint and</p> <p>12 will be supplemented following discovery,"</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. What facts are you referring to?</p> <p>16 A. I guess they will be supplemented</p> <p>17 following discovery.</p> <p>18 Q. No, actually, it says your facts</p> <p>19 supporting the allegations. I'm asking what</p> <p>20 facts you are referring to there.</p> <p>21 MR. LAMER: Objection, vague.</p> <p>22 Do you know what he's asking?</p> <p>23 MR. GOHEEN: Well, that's because the</p> <p>24 interrogatory response is vague then.</p> <p>25 Q. (By Mr. Goheen) I'm asking you what</p>	<p style="text-align: right;">Page 133</p> <p>1 ALTMAN</p> <p>2 you're referring to in that response.</p> <p>3 A. I don't know.</p> <p>4 Q. You don't know what facts you're</p> <p>5 referring to in this response?</p> <p>6 MR. LAMER: Objection. Calls for a</p> <p>7 legal conclusion. The document speaks for</p> <p>8 itself.</p> <p>9 MR. GOHEEN: Oh, come on.</p> <p>10 MR. LAMER: Go ahead.</p> <p>11 MR. GOHEEN: You really like to hear</p> <p>12 yourself talk, I guess. That's ridiculous.</p> <p>13 A. I mean, we outlined the facts of what</p> <p>14 happened to me --</p> <p>15 MR. LAMER: Objection. For the</p> <p>16 record, Counsel, if you would stop</p> <p>17 characterizing who I am and what I do. I'm</p> <p>18 a lawyer. I am prepared to provide</p> <p>19 objections --</p> <p>20 MR. GOHEEN: Don't make bogus</p> <p>21 objections. We will all get out of here</p> <p>22 quicker.</p> <p>23 Q. (By Mr. Goheen) All right. So the</p> <p>24 question --</p> <p>25 MR. LAMER: My objections are sound</p>

1 ALTMAN
2 and they will be made in the order in which
3 they are received.
4 All right. You go ahead and ask your
5 questions.
6 MR. GOHEEN: I am. You need to quit
7 interrupting.
8 Q. (By Mr. Goheen) All right. What was
9 the last question?
10 A. You asked about the facts. The facts
11 are I went to the store, they printed a receipt
12 that was in violation of the law.
13 Q. Okay. So are there any more facts,
14 other than what you just said?
15 MR. LAMER: Objection.
16 A. Not that I am aware of.
17 Q. (By Mr. Goheen) Okay. Now, what do
18 you mean when you say they will be supplemented
19 following discovery. Now, you don't, do you?
20 A. I don't.
21 Q. Yes, I don't either.
22 A. Yes.
23 Q. Now, back to the response here. What
24 facts do you have sitting here today that White
25 House Black Market intentionally opted to save

1 ALTMAN
2 money by not bringing stores into compliance?
3 You don't know that, do you?
4 MR. LAMER: Objection, argumentative.
5 Q. (By Mr. Goheen) Do you have any facts
6 that would support that allegation?
7 A. I do not.
8 Q. Do you understand why it was made then
9 in the complaint?
10 MR. LAMER: Objection, calls for a
11 legal conclusion.
12 A. No.
13 Q. (By Mr. Goheen) You said you reviewed
14 the complaint before it was filed, right?
15 A. I did.
16 Q. So that paragraph, it's paragraph 42,
17 was in there, right?
18 A. Yes.
19 Q. So you don't know why that was in
20 there before you authorized the filing of the
21 complaint, correct?
22 A. You're right.
23 Q. Now, you understand that if you do
24 supplement these responses, we're likely going to
25 have the right to speak with you again, correct?

1 ALTMAN
2 A. I look forward to it.
3 Q. So you understand that then?
4 A. Yes.
5 Q. All right. Now, we talked about this
6 a few minutes ago, but you understand that the
7 FACTA statute was enacted in late 2003,
8 approximately?
9 MR. LAMER: Objection,
10 mischaracterizes her testimony.
11 A. Yes, I --
12 MR. GOHEEN: I never said it was your
13 testimony, but --
14 A. I thought it was 2006, but --
15 Q. (By Mr. Goheen) That's my next
16 question. You understand it became effective --
17 A. Oh, okay.
18 Q. So you understand the difference? So
19 it was enacted, passed as a law --
20 A. Right.
21 Q. -- and you understand that to have
22 been earlier than when it was made effective?
23 A. Yes.
24 MR. LAMER: Objection. Calls for a
25 legal conclusion.

1 ALTMAN
2 Q. (By Mr. Goheen) So the effective date,
3 as you, I think, did mention earlier, was
4 sometime in 2006?
5 A. Yes.
6 MR. LAMER: Objection. Calls for a
7 legal conclusion.
8 Q. (By Mr. Goheen) Now, do you have any
9 facts sitting here today that would establish
10 that White House Black Market was not in
11 compliance with FACTA when the statute became
12 effective in 2006?
13 A. I do not.
14 Q. Now, we have talked about your
15 interrogatory responses. Have you read any of
16 the interrogatory responses White House Black
17 Market has served in this case?
18 Your counsel is nodding, so I take it
19 the answer is yes?
20 MR. LAMER: I'm not nodding, actually.
21 MR. GOHEEN: It looks like it.
22 MR. LAMER: Barry, I have a
23 neurological condition that makes me do
24 this sometimes. Okay?
25 MR. GOHEEN: I apologize. I didn't

1 ALTMAN
2 know that.
3 Q. (By Mr. Goheen) Go ahead.
4 A. Yes, I don't think so.
5 Q. Anything to drink?
6 A. I'm fine.
7 Q. Certainly, you would agree that at
8 least from January 2016, when you made the
9 purchase at the Barton Square store, that White
10 House Black Market has been in compliance with
11 FACTA, correct?
12 A. At that store, yes.
13 Q. Well, okay. That's fair.
14 It has been in compliance at least at
15 that Austin location, correct?
16 A. Yes.
17 Q. And you have not shopped -- I'm sorry.
18 You have not made any purchase with a credit card
19 at the Phipps Plaza location since May of 2015,
20 fair?
21 A. Right.
22 Q. Okay. You understand that White House
23 Black Market has addressed the problem you have
24 alleged in your complaint regarding the receipts?
25 A. I don't know.

1 ALTMAN
2 Q. I am sure you have been a member of a
3 class action.
4 A. I imagine.
5 Q. As have I. And probably everybody in
6 this room has, right?
7 Now, do you understand that the person
8 holding herself out as the representative of the
9 proposed class occupies a fiduciary relationship
10 to the absent members of that class?
11 A. Yes.
12 Q. Now, as the named class representative
13 in this case, do you perceive there to be any
14 advantages of attempting to proceed as a class
15 action?
16 A. Only that it brings justice to more
17 people.
18 Q. When you use the term "justice," what
19 do you mean?
20 A. The law was violated. That the Court
21 believes that the facts that we present prove the
22 case, and it can help protect these other, I
23 presume, women that shop at White House Black
24 Market, or boyfriends or husbands that are
25 shopping on behalf of their female life partners,

1 ALTMAN
2 Q. Okay. Do you want to take a quick
3 break or do you want to --
4 MR. LAMER: Do you?
5 A. No, let's keep going.
6 Q. (By Mr. Goheen) Okay. I don't think
7 we have a whole lot longer.
8 Miss Altman, you are aware that you
9 brought this case not only individually, meaning
10 on behalf of yourself, but on behalf of a
11 proposed class of individuals, correct?
12 A. Yes.
13 Q. What is your understanding of how a
14 class action works?
15 A. That I am representing a group of
16 people that were also effected by the violation
17 of the law.
18 Q. Okay. Have you ever been a plaintiff
19 in a proposed or a certified class action before
20 this one?
21 A. Not that I'm aware of.
22 Q. Let me ask it a better way.
23 Have you ever been the named plaintiff
24 in a proposed or certified class action?
25 A. No.

1 ALTMAN
2 or daughters, that it will help protect all of
3 those shoppers.
4 Q. Do you personally know anyone that has
5 filed a class action lawsuit and held himself or
6 herself out as the named class representative?
7 A. I do.
8 Q. Who is that?
9 A. I don't know her name. But it was a
10 friend of my sister's in New York.
11 Q. Do you recall what law was allegedly
12 violated there?
13 A. I don't.
14 Q. So I guess this was years ago before
15 your sister relocated to the south?
16 A. Correct.
17 Q. Do you know anyone else that has held
18 himself or herself out as a named class
19 representative?
20 A. No.
21 Q. Let's talk about the class definition
22 for a moment. It's Paragraph 52 of the
23 Complaint, page 12 of 14.
24 A. Thank you.
25 Q. Sure.

<p style="text-align: right;">Page 142</p> <p>1 ALTMAN</p> <p>2 A. Okay.</p> <p>3 Q. Paragraph 52 defines the proposed</p> <p>4 class as, "All persons who used either a Visa,</p> <p>5 MasterCard or Discover debit or credit card</p> <p>6 and/or American Express credit card at any of</p> <p>7 Defendant's locations where defendant provided an</p> <p>8 electronically printed receipt at the point of</p> <p>9 sale or transaction that displayed the expiration</p> <p>10 date of that person's credit or debit card, or</p> <p>11 more than the last five digits of that person's</p> <p>12 credit or debit card for a time period beginning</p> <p>13 five years prior to the filing of this lawsuit</p> <p>14 until the date the class is certified." Is that</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. Now, in your interrogatory responses</p> <p>18 we asked whether that was still the class</p> <p>19 definition you proposed, and you said that it</p> <p>20 was. Do you remember that?</p> <p>21 A. Yes.</p> <p>22 Q. As we sit here today, does that remain</p> <p>23 the class definition that you would propose to</p> <p>24 the Court?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 143</p> <p>1 ALTMAN</p> <p>2 Q. And, obviously, you understand White</p> <p>3 House Black Market to be the defendant as that</p> <p>4 term is used in that definition, right?</p> <p>5 A. Yes.</p> <p>6 Q. So let's talk about that definition</p> <p>7 for a minute.</p> <p>8 You did not use a Visa debit or credit</p> <p>9 card at any White House Black Market location</p> <p>10 where the company provided an electronically</p> <p>11 printed receipt that displayed either the</p> <p>12 expiration date or more than the last five digits</p> <p>13 of the credit card, right?</p> <p>14 A. Correct.</p> <p>15 Q. Or a MasterCard or a Discover?</p> <p>16 A. Correct.</p> <p>17 Q. Same -- if I asked the same question,</p> <p>18 you would have the same answer; is that fair?</p> <p>19 A. Yes.</p> <p>20 Q. So your membership in the class is</p> <p>21 that you used an American Express credit card at</p> <p>22 a White House Black Market location that you</p> <p>23 contend gave you an electronically printed</p> <p>24 receipt that violated FACTA, right?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 144</p> <p>1 ALTMAN</p> <p>2 Q. If the Court denies your motion for</p> <p>3 class certification, do you intend to continue</p> <p>4 with the lawsuit as an individual plaintiff?</p> <p>5 A. I don't know.</p> <p>6 Q. What factors would inform that</p> <p>7 decision on your part?</p> <p>8 A. I would discuss it with my counsel.</p> <p>9 Q. Speaking of which, on the last page of</p> <p>10 this complaint, or the last page before we get to</p> <p>11 the cover sheet, there's only a single counsel</p> <p>12 Mr. Wexler listed, correct?</p> <p>13 A. Uh-huh.</p> <p>14 Q. Is he the only, as of July 8, 2015,</p> <p>15 the only lawyer representing you?</p> <p>16 A. Yes.</p> <p>17 Q. As of the date the complaint was</p> <p>18 filed?</p> <p>19 A. Yes.</p> <p>20 Q. And I know you said he's your</p> <p>21 brother-in-law, and he still is today; is that</p> <p>22 right?</p> <p>23 A. Yes.</p> <p>24 Q. And I think you said in your</p> <p>25 interrogatory response that relationship began in</p>	<p style="text-align: right;">Page 145</p> <p>1 ALTMAN</p> <p>2 December of 2011?</p> <p>3 A. That's when they got married.</p> <p>4 Q. Right. Well, that's right. When the</p> <p>5 brother-in-law relationship --</p> <p>6 A. Yes.</p> <p>7 Q. -- between you and Mr. Wexler began,</p> <p>8 in December of '11 when he married your sister?</p> <p>9 A. Yes.</p> <p>10 Q. That's Eve?</p> <p>11 A. Yes.</p> <p>12 Q. And I think you said this earlier. He</p> <p>13 had not -- well, he has not represented you in</p> <p>14 any other legal disputes other than this</p> <p>15 particular one; is that correct?</p> <p>16 A. Right.</p> <p>17 Q. Now, shortly after the complaint was</p> <p>18 filed, the law firm of Spencer Fane LLP entered</p> <p>19 an appearance on your behalf, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And that's Mr. Lamer's fine firm,</p> <p>22 right?</p> <p>23 A. Yes.</p> <p>24 Q. And your interrogatory response says</p> <p>25 that you have no prior relationship with Spencer</p>

<p style="text-align: right;">Page 146</p> <p>1 ALTMAN</p> <p>2 Fane, correct?</p> <p>3 A. Correct.</p> <p>4 Q. How did you come to engage Spencer</p> <p>5 Fane as your co-counsel, or maybe as your lead</p> <p>6 counsel, or whatever we are calling it, in this</p> <p>7 case?</p> <p>8 A. Through Shimshon.</p> <p>9 Q. Okay. You believe Mr. Wexler had a</p> <p>10 prior, or at least had some knowledge or</p> <p>11 relationship or acquaintance with someone at the</p> <p>12 Spencer Fane law firm?</p> <p>13 A. I don't know if it was prior or not,</p> <p>14 but he engaged them.</p> <p>15 Q. Okay. When is the first time you ever</p> <p>16 met anyone in person that works for the Spencer</p> <p>17 Fane law firm?</p> <p>18 A. In person? Today.</p> <p>19 Q. It's my understanding that Mr. Wexler</p> <p>20 has withdrawn as counsel in your case?</p> <p>21 A. Yes.</p> <p>22 Q. Why did he do that? Well, let me ask</p> <p>23 it a better way. What is your knowledge of why</p> <p>24 he did that?</p> <p>25 A. To ensure that there was no perception</p>	<p style="text-align: right;">Page 147</p> <p>1 ALTMAN</p> <p>2 of a conflict of interest that would harm the</p> <p>3 class.</p> <p>4 Q. And he will not be receiving any</p> <p>5 attorney's fees in the event attorney's fees are</p> <p>6 awarded to other counsel representing you, is</p> <p>7 that correct?</p> <p>8 A. As far as I know, yes.</p> <p>9 Q. Let's mark this as Exhibit 11.</p> <p>10 (Exhibit 11, Class Action</p> <p>11 Authorization, marked for identification.)</p> <p>12 Q. (By Mr. Goheen) This was produced to</p> <p>13 us in this litigation. It's Bates numbered</p> <p>14 Altman_3126 through 3131. Do you recognize this</p> <p>15 document?</p> <p>16 A. I do.</p> <p>17 Q. If you look at the last two pages of</p> <p>18 the document, actually the signatures are hard to</p> <p>19 see at the tops of each of those pages, but at</p> <p>20 least on the next to last page, do you recognize</p> <p>21 that as your signature?</p> <p>22 A. Yes.</p> <p>23 Q. And your address and cell phone and</p> <p>24 e-mail and all that stuff?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 148</p> <p>1 ALTMAN</p> <p>2 Q. It's titled, the document is titled,</p> <p>3 Class Action Authorization, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Would you agree it also functions as</p> <p>6 something of an engagement letter between you and</p> <p>7 your current counsel in this case?</p> <p>8 A. I think we have a separate engagement</p> <p>9 letter.</p> <p>10 MR. LAMER: I will represent for the</p> <p>11 record that this is the engagement letter,</p> <p>12 Barry.</p> <p>13 THE WITNESS: Oh, okay.</p> <p>14 MR. GOHEEN: Thank you. I saw that. I</p> <p>15 appreciate that.</p> <p>16 THE WITNESS: Thank you.</p> <p>17 Q (By Mr. Goheen) Okay. So you have</p> <p>18 engaged, pursuant to this document, three</p> <p>19 different law firms to represent you and</p> <p>20 potentially the class. Correct?</p> <p>21 A. Uh-huh.</p> <p>22 Q. And one of them, of course, is the</p> <p>23 Spencer Fane law firm we just talked about,</p> <p>24 right?</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">Page 149</p> <p>1 ALTMAN</p> <p>2 Q. Yes?</p> <p>3 A. Yes.</p> <p>4 Q. You have done great.</p> <p>5 And another of the firms identified</p> <p>6 there on the first page is the Keogh Law Firm,</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. How did you come to hire the Keogh Law</p> <p>10 Firm about a year and a half into the case?</p> <p>11 A. When Shimshon withdrew, we talked to</p> <p>12 Bryant --</p> <p>13 Q. I don't want to know any</p> <p>14 communications, but I can understand your facts</p> <p>15 just as you can tell me the facts that you know.</p> <p>16 MR. LAMER: That's fine, go ahead.</p> <p>17 A. And --</p> <p>18 Q (By Mr. Goheen) I'm not trying to</p> <p>19 be --</p> <p>20 A. No, I appreciate that. I appreciate</p> <p>21 that. And he hired them.</p> <p>22 Q. Okay. Understand.</p> <p>23 Did you speak with anyone at the</p> <p>24 Keough Law Firm before authorizing Mr. Lamer or</p> <p>25 the Spencer Fane law firm to engage Mr. Keough's</p>

1 ALTMAN
2 firm as co-counsel?
3 A. I don't recall.
4 Q. I take it you have never personally
5 ever met anyone associated with the Keough Law
6 Firm?
7 A. Correct.
8 Q. Did you personally do any
9 investigation about the Keough Law Firm prior to
10 retaining them or having them retained on your
11 behalf?
12 A. No.
13 Q. Now, you have also hired a law firm
14 called Skaar & Feagle, correct?
15 A. Correct.
16 Q. That's Cliff's firm, correct, who is
17 here today?
18 A. Yep.
19 Q. And you understand that the Skaar &
20 Feagle firm functions as what is referred to as
21 local counsel, correct?
22 A. Yes.
23 Q. And you understand that they are
24 located in the Atlanta area which is where the
25 case is pending, right?

1 ALTMAN
2 A. Yes.
3 Q. Before meeting Cliff today, had you
4 met anyone from the Skaar & Feagle law firm?
5 A. No.
6 Q. Now, you're seeking attorney's fees
7 from White House Black Market in this case,
8 correct?
9 A. Yes.
10 Q. And I assume you understood that
11 successful plaintiffs that receive a verdict,
12 plaintiff's verdict, under FACTA have entitlement
13 to reasonable attorney's fees, correct?
14 A. Yes.
15 Q. Now, in the document here where it has
16 the duties of class representative, do you see
17 that begins near the bottom of page 1?
18 A. Yes.
19 Q. And the top of the next page reflects
20 your agreement and understanding of a number of
21 items, correct?
22 A. Correct.
23 Q. And you complied with each of those
24 requests of your counsel?
25 A. I believe so.

1 ALTMAN
2 Q. Okay. So let's look at the last one
3 of those, number 9. Do you see that?
4 A. Yes.
5 Q. It states: Client is to advise the
6 attorneys in advance of seeking any further
7 relief under the bankruptcy laws, open paren,
8 which may result in transfer of client's claim to
9 a trustee, close paren, period.
10 Do you see that?
11 A. Yes.
12 Q. Have you ever sought relief under any
13 bankruptcy laws?
14 A. No.
15 Q. Are you contemplating the need to file
16 for any relief under the bankruptcy laws at any
17 point during the continued pendency of this
18 lawsuit?
19 A. No.
20 Q. That may have just been a boilerplate
21 sort of thing that's stuck in there maybe, to the
22 best of your belief?
23 A. Possibly.
24 Q. Well, I mean, you never had any
25 interaction with a bankruptcy court; is that

1 ALTMAN
2 correct?
3 A. No.
4 Q. That's not correct?
5 A. My father was a bankruptcy attorney,
6 so I don't know if that counts as a court.
7 Q. I should --
8 A. He's a --
9 Q. It does count, as a matter of fact.
10 A. Okay. Well, good. Then I'm glad I
11 answered that correctly.
12 Q. But you personally were not involved
13 in any bankruptcy proceeding --
14 A. No.
15 Q. -- for your own --
16 A. No.
17 Q. -- assets or debts or whatever?
18 A. No.
19 Q. It was not part of your divorce a few
20 years ago or anything like that.
21 A. Thankfully not.
22 Q. Now, at the bottom of page 2 there's a
23 section talking about fees. Do you see that?
24 A. Yes.
25 Q. So the first sentence there: Client

<p style="text-align: right;">Page 154</p> <p>1 ALTMAN</p> <p>2 and the attorneys agree that any fee for the</p> <p>3 attorney's services to client or the class will</p> <p>4 be contingent upon effecting a recovery or</p> <p>5 successful result from the parties against whom</p> <p>6 the claims are brought.</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. So kind of putting that in plain</p> <p>10 speak, this is more or less a straight</p> <p>11 contingency representation by your counsel?</p> <p>12 A. Correct.</p> <p>13 Q. So you're not paying any of your</p> <p>14 counsel an hourly rate as the case proceeds,</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. Or like on a monthly basis or</p> <p>18 otherwise periodically.</p> <p>19 A. Correct.</p> <p>20 Q. And as the second sentence states,</p> <p>21 your counsel is advancing costs on your behalf;</p> <p>22 is that right?</p> <p>23 A. That's right.</p> <p>24 Q. And the last sentence of that</p> <p>25 paragraph, it states that your counsel will pay</p>	<p style="text-align: right;">Page 155</p> <p>1 ALTMAN</p> <p>2 any or all of defendant's costs to the extent</p> <p>3 applicable law will allow. Quote: In the</p> <p>4 unlikely event that the court orders such if our</p> <p>5 litigation is unsuccessful.</p> <p>6 Do you have an understanding as to</p> <p>7 what that provision means?</p> <p>8 A. Not entirely, no.</p> <p>9 Q. What is your best belief as to what</p> <p>10 that means?</p> <p>11 A. That I guess it means that I'll be</p> <p>12 paying for this case.</p> <p>13 Q. Did you ask about that sentence there</p> <p>14 prior to executing this agreement?</p> <p>15 A. When we -- no.</p> <p>16 Q. Okay. Now, the next paragraph states</p> <p>17 that your counsel will receive the greater of, A,</p> <p>18 one-third, 33 and one-third percent, of the total</p> <p>19 settlement proceeds or judgment, if any, or, B,</p> <p>20 the amount of any attorney's fees for fee</p> <p>21 shifting claims like FACTA.</p> <p>22 Do you understand what that provision</p> <p>23 means?</p> <p>24 A. The first section makes clear sense.</p> <p>25 The second part about fee shifting claims is a</p>
<p style="text-align: right;">Page 156</p> <p>1 ALTMAN</p> <p>2 little bit more vague.</p> <p>3 Q. Did you ask about any -- did you ask</p> <p>4 for clarity of any of the vagaries you may have</p> <p>5 perceived in that last Subsection B there before</p> <p>6 executing the agreement?</p> <p>7 A. No.</p> <p>8 Q. The next sentence states: Client</p> <p>9 understands that this fee is not set by law and</p> <p>10 was negotiable between attorneys and client.</p> <p>11 Correct?</p> <p>12 A. Correct.</p> <p>13 Q. And is that true? That it was</p> <p>14 negotiable between attorneys and client?</p> <p>15 A. Sure.</p> <p>16 Q. So you negotiated -- so then going</p> <p>17 back to the first sentence, you would agree that</p> <p>18 you negotiated an agreement where your counsel</p> <p>19 received no less than 33 and a third percent of</p> <p>20 any monetary resolution of this case.</p> <p>21 Correct?</p> <p>22 A. Yes.</p> <p>23 Q. Did you seek representation from any</p> <p>24 other lawyer or set of lawyers other than the</p> <p>25 three firms that are representing you pursuant to</p>	<p style="text-align: right;">Page 157</p> <p>1 ALTMAN</p> <p>2 this agreement prior to signing this agreement?</p> <p>3 A. Other than Shimshon, no.</p> <p>4 Q. In other words, did you seek advice</p> <p>5 from another lawyer as to whether --</p> <p>6 A. No.</p> <p>7 Q. -- this is something you should</p> <p>8 execute?</p> <p>9 A. No.</p> <p>10 Q. And you understand that this would</p> <p>11 govern -- if a class is certified, this would</p> <p>12 govern the class as well, correct?</p> <p>13 A. Yes.</p> <p>14 Q. In terms of the fees and that sort of</p> <p>15 thing?</p> <p>16 A. Yes.</p> <p>17 Q. So did you stop to think whether it</p> <p>18 would concern any of the class members that you</p> <p>19 proposed to represent by agreeing to terms that</p> <p>20 might bind them even though they would not have</p> <p>21 had the chance to review this agreement</p> <p>22 themselves?</p> <p>23 A. No.</p> <p>24 Q. Do you have a sense of how that would</p> <p>25 make you feel if you were an absent class member</p>

1 ALTMAN

2 and someone else executed kind of an agreement
3 that would control your payment to counsel if you
4 were not to opt out of the class?

5 MR. LAMER: Objection. Calls for
6 speculation.

7 A. Yes, you have the right to opt out of
8 the class. So I --

9 Q (By Mr. Goheen) So you would believe
10 that would be the remedy for any class member
11 that doesn't agree with this?

12 A. Yes.

13 Q. Did you seek to determine whether you
14 could find counsel to represent you on a better
15 contingency rate than you negotiated in this
16 case?

17 A. No.

18 Q. Why not?

19 A. Because we had already begun working
20 together, Bryant and I, and I trusted him to not
21 only provide stellar legal advice, but to propose
22 a fair fee structure.

23 Q. Did you discuss this agreement with
24 any other potential class member before you
25 executed it?

1 ALTMAN

2 A. No.

3 Q. Now, one of the -- I mentioned this a
4 few minutes ago. One of the purposes of a
5 deposition is to ask the person if she knows any
6 individuals that might have additional
7 information. And if I understood your response a
8 few moments back, you don't believe anyone
9 knows -- I think you used the term "details of
10 the lawsuit," certainly not to the degree that
11 you understand them.

12 Is that fair?

13 A. Yes.

14 Q. Okay. We have talked, I think, a
15 couple of times today about your divorce. When
16 did that occur?

17 A. It was final on October 1st, 2010.

18 Q. And that is your only marriage --

19 A. Yes.

20 Q. -- to date?

21 During the course of your marriage,
22 did your husband use or misuse any of your credit
23 cards?

24 A. I think that is subjective.

25 Q. Let me ask it this way: During the

1 ALTMAN

2 course of the marriage, was it your belief that
3 your husband may have used or misused the credit
4 cards?

5 A. Yes.

6 Q. Obviously, well, I take it from your
7 response he would not agree with your belief on
8 that.

9 A. You would have to ask him.

10 Q. I guess that's true.

11 Did you share credit cards during the
12 course of the marriage?

13 A. Yes.

14 MR. GOHEEN: Why don't we take a
15 couple minutes. I'm about done.

16 THE WITNESS: Okay.

17 (WHEREUPON, a recess was taken.)

18 MR. LAMER: For the record, I'm going
19 to have her clarify one question that was
20 answered that I know to be incorrect. At
21 least, my reading of what this contract
22 says with respect to page 31 -- we are on
23 the record, right?

24 3127 bottom of the paragraph entitled
25 Fees where it begins: Client further

1 ALTMAN

2 understands that attorneys will pay any and
3 all -- or all of defendant's costs, paren,
4 to the extent applicable law and ethics
5 rules allow, close paren, and the unlikely
6 event that the court orders such if our
7 litigation is unsuccessful.

8 Q (By Mr. Goheen) Would you like to
9 modify or --

10 A. Yes.

11 Q. -- correct or, you know, alter your
12 answer just for clarity purposes?

13 A. Yes.

14 Q. Okay. Go ahead.

15 A. It's my understanding that I am not
16 responsible for paying any fees.

17 Q. Okay. All right.

18 MR. LAMER: That's it.

19 MR. GOHEEN: Thank you.

20 Q (By Mr. Goheen) Miss Altman, you
21 understand that White House Black Market offered
22 you \$75,000 to resolve the case individually,
23 correct?

24 A. Yes, we -- that was the settlement
25 offer.

<p style="text-align: right;">Page 162</p> <p>1 ALTMAN</p> <p>2 Q. That's right. And you rejected that</p> <p>3 offer?</p> <p>4 A. I did.</p> <p>5 Q. Why?</p> <p>6 A. Because I'm representing a class.</p> <p>7 Q. We understand the class hasn't been</p> <p>8 certified, correct?</p> <p>9 A. Okay. It's my intention that I can</p> <p>10 represent a class.</p> <p>11 Q. And you realize that's \$74,000 more</p> <p>12 than you would receive if you prevail in this</p> <p>13 case, correct?</p> <p>14 MR. LAMER: Objection. Calls for a</p> <p>15 legal conclusion.</p> <p>16 Go ahead.</p> <p>17 A. Yes.</p> <p>18 Q (By Mr. Goheen) And you're comfortable</p> <p>19 with that?</p> <p>20 A. I am.</p> <p>21 MR. GOHEEN: All right. Those are the</p> <p>22 questions I have.</p> <p>23 MR. LAMER: Barry wasn't kidding.</p> <p>24 MR. GOHEEN: Thank you.</p> <p>25 (TIME NOTED: 12:12 p.m.)</p>	<p style="text-align: right;">Page 163</p> <p>1 ALTMAN</p> <p>2</p> <p>3</p> <p>4 _____</p> <p>5 JILL ALTMAN</p> <p>6</p> <p>7 Subscribed and sworn to before me</p> <p>8 this _____ day of _____ 2017.</p> <p>9 _____</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 164</p> <p>2 C E R T I F I C A T E</p> <p>3 STATE OF GEORGIA)</p> <p>4) ss.:</p> <p>5 FULTON COUNTY)</p> <p>6</p> <p>7 I, Robin Ferrill, Certified Court</p> <p>8 Reporter within the State of Georgia, do hereby</p> <p>9 certify:</p> <p>10 That JILL ALTMAN, the witness whose</p> <p>11 deposition is hereinbefore set forth, was duly</p> <p>12 sworn by me and that such deposition is a true</p> <p>13 record of the testimony given by such witness.</p> <p>14 I further certify that I am not</p> <p>15 related to any of the parties to this action by</p> <p>16 blood or marriage; and that I am in no way</p> <p>17 interested in the outcome of this matter.</p> <p>18 IN WITNESS WHEREOF, I have hereunto</p> <p>19 set my hand this 28th day of April, 2017.</p> <p>20</p> <p>21 _____</p> <p>22 ROBIN K. FERRILL, RPR</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 165</p> <p>1</p> <p>2 -----I N D E X-----</p> <p>3</p> <p>4 WITNESS EXAMINATION BY PAGE</p> <p>5</p> <p>6 Jill Altman Mr. Goheen 5</p> <p>7</p> <p>8</p> <p>9 -----EXHIBITS-----</p> <p>10</p> <p>11 ALTMAN PAGE LINE</p> <p>12 Exhibit 1 7 5</p> <p>13 Amended Notice of Deposition</p> <p>14 Exhibit 2 33 21</p> <p>15 Introduction and FACTA Background</p> <p>16 Exhibit 3 55 22</p> <p>17 Store receipt</p> <p>18 Exhibit 4 72 11</p> <p>19 American Express statement</p> <p>20 Exhibit 5 78 20</p> <p>21 Plaintiff's First Supplemental</p> <p>22 Responses to Defendant White House</p> <p>23 Black Market, Inc.'s First Set of</p> <p>24 Interrogatories</p> <p>25</p>

-----EXHIBITS (cont.)-----

	ALTMAN	PAGE	LINE
Exhibit 6		82	8
American Express "What You Can Do"			
sheet			
Exhibit 7		90	12
Plaintiff's Responses to White House			
Black Market, Inc.'s First Set of			
Requests for Admission			
Exhibit 8		98	13
Purchase receipts			
Exhibit 9		103	25
American Express Statement			
Exhibit 10		104	14
Store receipt			
Exhibit 11		149	13
Class Action Authorization			

NAME OF CASE:

DATE OF DEPOSITION:

NAME OF WITNESS:

Reason Codes:

1. To clarify the record.

2. To conform to the facts.

3. To correct transcription errors.

Page _____ Line _____ Reason _____

From _____ to _____

Page _____ Line _____ Reason _____

From _____ to _____

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